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of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Third periodic reports of States parties due in 1996

Addendum

Croatia*

[14 February 1997]

* This document contains the initial, second and third periodic reports, submitted in one document, due on 8 October 1992, 1994 and 1996, respectively.

The information submitted by Croatia in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.32.

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IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

1. The Republic of Croatia condemns racial discrimination and is undertaking all necessary legislative, judicial and executive measures in order to eliminate practices of racial discrimination.

2. All laws have to comply with constitutional provisions regulating fundamental freedoms and rights of a person and of a citizen, and all other regulations have to comply with law (article 5 of the Constitution of the Republic of Croatia).

3. Pursuant to article 21 of the Constitutional Law on the Constitutional Court of the Republic of Croatia, the Constitutional Court shall invalidate a law or its individual provisions if it determines that it is incompatible with the Constitution. Pursuant to article 22, paragraph 3, of the same law the Constitutional Court shall annul any regulation violating fundamental freedoms or rights of the individual person and of the citizen or discriminating against individuals, groups or organizations. Decisions of the Constitutional Court are binding and final, and their enforcement is to be secured by the Government of the Republic of Croatia, through bodies of public administration and the courts. Any person whose rights have been violated by an act committed pursuant to a law which has been invalidated or by a regulation which has been invalidated or annulled, is entitled to demand a body having jurisdiction in the matter to amend that act (articles 23 and 25 of the Constitutional Law on the Constitutional Court of the Republic of Croatia).

4. In the period to which this report refers, the Constitutional Court of the Republic of Croatia in accordance with its mandate to decide on the compatibility of legal acts or other regulations with the Constitution and law, delivered 44 decisions invalidating legislative or regulatory provisions.

5. Having in mind that the legal order of the Republic of Croatia excludes all forms of racial discrimination, the Republic of Croatia is undertaking all necessary measures in order to ensure compliance of the judicial, State and other bodies vested with public authority with the laws and other regulations, as well as with policy and practice, directed towards the elimination of all possible forms of racial discrimination.

6. The Republic of Croatia as a society is comprised of different ethnic and religious group and attends to their needs by promoting diversity and pluralism, and facilitates the integration of minorities into society by permitting each citizen to take part in the common welfare of the Republic. With that aim in view, the Republic of Croatia devotes special attention to the exercise of their human rights by ethnic or national communities or minorities, as well as to the methods and means for their exercise.

7. In his address to the joint session of both houses of the Croatian Parliament on 23 March, 1993, the President of the Republic of Croatia, Dr. Franjo Tujman, emphasized the basic policy of the Republic of Croatia towards ethnic tolerance: "We shall continue to maintain the continuity of

our policy by guaranteeing all civil and ethnic rights to all citizens of Croatia, including the right to local self-government which is compatible with the highest standards applied in Europe and the developed world."

8. The Government of the Republic of Croatia has undertaken not to enact regulations or practices involving racial discrimination against persons, groups of persons or institutions, and that all public authorities and other bodies vested with public authority shall proceed pursuant to that policy. In that respect, the Government shall supervise the operation of the said bodies, and in the case that such bodies commit any form of racial discrimination, shall take appropriate measures for their removal.

Confidence-building measures

9. One of the first priorities of Croatian policy is the normalization of inter-ethnic relations, particularly relations between Croats and a part of the Serbian ethnic and national community or minority in Croatia. The Republic of Croatia has established a number of confidence-building measures in order to ensure not only absence of revenge, but to ensure cohabitation, harmony and mutual peaceful understanding in the aftermath of the armed conflict. In particular, a wide programme of measures has been elaborated through the International Conference on the Former Yugoslavia, the United Nations missions, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and local initiatives, in order to re-establish confidence.

10. In order to achieve effective application of the provisions of the Constitution of the Republic of Croatia and of the Charter of the Rights of Serbs and other Nationalities in the Republic of Croatia, the Parliament of the Republic of Croatia enacted, on 4 December 1991, pursuant to articles 3, 4 and 15 of the Constitution, the Constitutional Law on Human Rights and Freedoms and on Rights of Ethnic and National Communities or Minorities in the Republic of Croatia (hereinafter: the Constitutional Law), which was amended and supplemented on 8 May 1992. The Constitutional Law was enacted with a view to protecting and ensuring the exercise of human rights and the rights of minorities at the highest level achieved in democratic societies of the contemporary international community, including religious, racial and linguistic rights, and free development of their individual characteristics within the majority group of citizens or within the majority group, without abuse of rights either by the majority or minority.

11. Article 1 of the Constitutional Law enumerates international instruments in pursuance of which the Constitutional Law was framed: the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Final Act of the Conference on Security and Cooperation in Europe, the Charter of Paris for a New Europe and other documents of the Conference on Security and Cooperation in Europe (CSCE) referring to human rights, particularly the Document of the Copenhagen meeting of the CSCE on the Human Dimension and the Document of the Moscow meeting of the CSCE on the Human Dimension, the Convention for the Protection of Human Rights and Fundamental Freedoms, including its Protocols,

the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Rights of the Child.

12. Provisions of the Constitutional Law referring to the implementation and protection of human rights and freedoms, cultural autonomy and other rights of ethnic and national communities or minorities stipulate the following:

(a) The Republic of Croatia acknowledges and protects the human rights and freedoms specified by the Constitution of the Republic of Croatia, as well as all other rights specified in the aforementioned international instruments (article 2);

(b) The Republic of Croatia protects the equality of ethnic and national communities or minorities and promotes their universal development (article 3);

(c) The Republic of Croatia facilitates the development of relationships between ethnic and national communities or minorities and their parent state, in order to promote their national, cultural and linguistic development. Ethnic and national communities or minorities are entitled to self-organization and association in pursuance of their national and other interests in accordance with the Constitution and the Law (article 4);

(d) Ethnic and national communities or minorities in the Republic of Croatia are entitled to cultural autonomy (article 5);

(e) The Republic of Croatia undertakes to ensure for the members of all ethnic and national communities or minorities the following:

(i) Full respect of the principle of non-discrimination as envisaged in the international instruments specified in article 1 of the Constitutional Law;

(ii) The right to protection from any activity which can or could jeopardize their existence;

(iii) The right to identity, culture, exercise of religion, public and private use of language and script, as well as the right to education;

(iv) Protection of equal participation in public affairs, such as exercise of political and economic freedoms in the social sphere, access to media, equality in education, and culture in general;

(v) Right to decide to which ethnic and national community or minority a citizen wishes to belong, exercise of all rights relating to such a choice, either individually or in association with other persons. The mentioned right refers especially to marriages of persons belonging to different ethnic and national communities or minorities, without prejudice to persons in question.

These principles shall be applicable to Croats in municipalities where they form a majority in respect to one or more ethnic and national communities or minorities (article 6);

(f) Members of all ethnic and national communities or minorities in the Republic of Croatia may freely use their language and script, publicly and in private. In municipalities where members of ethnic and national communities or minorities form a majority of the population, the language and script of such a community shall be in official use along with the Croatian language and Roman Latin script (article 7);

(g) Units of local self-government may decide that two or more languages and scripts are used officially, taking account of the number of members and the interests of ethnic and national communities or minorities (article 8);

(h) Possession and use of emblems and symbols of ethnic and national communities or minorities shall be free. When emblems and symbols of ethnic and national communities or minorities are in official use, adequate emblems and symbols of the Republic of Croatia have to be used at the same time. If a national anthem or a hymn of an ethnic and national community or minority is performed, the Croatian national anthem shall be performed first. Units of local self-government may regulate the use of national flags and symbols of ethnic and national communities or minorities in their statutes (article 9);

(i) Members of ethnic and national communities or minorities are free to organize media and to publish in their own language and script;

(j) The Republic of Croatia and bodies of local self-government shall financially assist the exercise of rights enumerated above, in accordance with their means (article 10).

13. In addition to the above-mentioned rights, the Constitutional Law envisages for members of ethnic and national communities or minorities in the Republic of Croatia, the right to upbringing and education in their language and script, pursuant to special programmes (articles 14-17), as well as the right to participate in representative and other bodies (article 18, paragraphs 2, 3 and 4; article 20, paragraph 1). Those rights are elaborated in more detail in the section dealing with article 5, of this report.

14. In order to reintegrate Eastern Slavonia, Baranja and Western Sirmium, the Republic of Croatia has signed the Erdut Agreement, on the basis of which the United Nations Security Council established the United Nations Transitional Administration with the task of administering this area during the transitional period, in the interest of all persons living in or returning to the territory. On 27 January, 1997 the Republic of Croatia submitted the Letter of Intent of the Republic of Croatia to the United Nations Security Council, concerning the completion of the peaceful reintegration of the Croatian Danube Region where, inter alia, the need for and importance of carrying out elections on 16 March 1997 was emphasized. In that way elections in the Croatian Danube Region coincided with the elections in other parts of Croatia, enabling the local authorities to be established within 30 days following the elections. The Security Council adopted a Presidential Statement on that issue in which full support for the Letter of Intent was emphasized. The elections in the Croatian Danube Region, as well as in the

other parts of Croatia, were held on 13 April 1997, pursuant to Croatian law. Later, representative bodies of units of local self-government and local government were established pursuant to the law of the Republic of Croatia.

15. The Republic of Croatia has implemented social and economic measures for the protection of ethnic and national communities or minorities in order to guarantee the full and equal exercise of their human rights and fundamental freedoms.

16. The Republic of Croatia has entered into a number of bilateral and multilateral treaties the purpose of which is the protection of the rights and interests of ethnic and national communities or minorities in the Republic of Croatia: the International Covenant on Civil and Political Rights of 1966, the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the UNESCO Convention against Discrimination in Education of 1960. Following its admission to the Council of Europe, the Republic of Croatia undertook to ratify the Framework Convention for the Protection of National Minorities of 1994 and the European Charter on Regional or Minority Languages of 1992, within one year following the accession. Moreover, in order fully to protect ethnic and national communities or minorities in its territory, the Republic of Croatia actively promotes the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the CSCE Helsinki Final Act and in the CSCE Document of the Copenhagen Meeting on the Human Dimension of 1992. The Republic of Croatia actively participated in the drafting of the Central European Initiative Instrument for the Protection of Minority Rights of 1994.

Financial resources allocated for the implementation of the rights of ethnic and national communities or minorities

17. Members of ethnic and national communities or minorities as well as other citizens of the Republic of Croatia exercise their rights, including most of their minority-specific rights, within the bodies of public administration (the Ministry of Education and Sports, the Ministry of Culture, the Ministry of Science, etc.). Only a part of those rights are exercised by the operation of associations and institutions of ethnic and national communities or minorities, the programmes of which are financially assisted from the State budget and the budgets of the units of local self-government. The following amounts have been allocated:

Year	Amount	Equivalent (US$)
1992	7 592 344 650 HrD	951 198
1993	7 871 269 494 HrD	1 199 536
1994	3 144 969 HrK*	2 335 347
1995	15 084 866 HrK	2 837 581
1996	15 867 464 HrK	2 864 370

* Change of currency from dinar to Kuna.

Government bodies for the protection of minority rights

18. The Council of Defence and National Security, the main advisory body to the President of the Republic, established in 1997 the National Committee on the Normalization of Croat-Serb relations with the task of promoting the mediation and negotiation process on the political and diplomatic levels.

19. In 1991, the Government of the Republic of Croatia established the Office for Ethnic and National Communities or Minorities. The basic tasks of the Office are to propose measures for the realization of ethnic rights; to monitor the application of international instruments related to the protection of national, religious, cultural and linguistic rights of the members of ethnic and national communities or minorities; to collect data and information concerning the realization of ethnic rights in Croatia and in the world; and to propose the application of certain models for the exercise of such rights which have proved successful in practice. In exercise of its tasks the Office is assisted by the Council of Representatives of Ethnic and National Communities or Minorities. Each ethnic and national community or minority has a representative on the Council. The Council discusses all issues related to the rights of members of ethnic and national communities or minorities.

20. The House of Representatives of the Parliament of the Republic of Croatia has established a Committee on Human Rights and Rights of Ethnic and National Communities or Minorities as a permanent working body to monitor policies related to ethnic and national communities or minorities and human rights. The Committee also actively participates in the work of the House of Representatives and discusses regulations in the area of human rights. The Committee is vested with rights and duties in the areas related to the application of international law in the area of the protection and promotion of human rights, exercise of rights of ethnic and national communities or minorities, international treaties and programmes which facilitate international cooperation and understanding in the areas of culture, education and scientific exchange by the promotion of the interests of individual ethnic and national communities or minorities.

21. Legislative, judicial, administrative and other measures which have been undertaken to remove any form of racial discrimination are discussed generally in the part of this report dealing with articles 4, 5 and 7 of the Convention.

Article 3

22. The Republic of Croatia condemns racial segregation and apartheid, which do not exist within the territory under the jurisdiction of the Republic of Croatia.

23. Pursuant to article 39 of the Constitution of the Republic of Croatia, any incitement or instigation to war, use of violence, national, racial or religious hatred or any form of intolerance is prohibited and subject to criminal liability. Article 14 of the Constitution guarantees the protection against all forms of racial discrimination: "Citizens of the Republic of Croatia shall enjoy all rights and freedoms, regardless of their race, colour

of skin, sex, language, religion, political or other orientation, national or social origin, wealth, birth, education, social status or any other characteristics. Everyone shall be equal before the law." Article 15 reads:

> "In the Republic of Croatia all members of all peoples and minorities shall be equal. Members of all peoples and minorities shall be granted freedom of expression of their nationality, free use of their language and script, and cultural autonomy."

24. Pursuant to article 3 of the Constitutional Law, the Republic of Croatia protects the equality of ethnic and national communities or minorities and promotes their universal development. In Article 6 of the Constitutional Law, the Republic of Croatia has undertaken to ensure for the members of all ethnic and national communities or minorities the following:

(a) Full compliance with the principle of non-discrimination as envisaged by the relevant international instruments;

(b) The right to protection from any activity which can or could jeopardize their existence;

(c) The right to identity, culture, religious affiliation, public and private use of language and script as well as education;

(d) The protection of equal participation in affairs such as the exercise of political and economic freedoms in the social sphere, access to media, equal participation in education and, in general, in cultural affairs;

(e) The right to decide to which ethnic and national community or minority a citizen wishes to belong, as well as free exercise of all rights related to that choice, either individually or in community with other persons.

25. The Basic Penal Code of the Republic of Croatia contains provisions defining certain discriminatory acts as crimes, particularly:

"Genocide (article 119)

> "Any person who, with the aim to fully or partially destroy national, ethnic, racial or religious group, orders killing of the members of the group, or the infliction of serious bodily injuries, infliction of serious damage to their bodily or mental health, or who orders compulsory resettlement of population, or who orders that such a group is put in such living conditions which could lead to its complete or partial extermination, or who orders implementation of measures preventing birth to members of the group, or to carry out compulsory re-settlement of children from one such group to another, and any person who, with the same intention, commits any of the above-mentioned acts, shall be punished by imprisonment for not less than five years, or by imprisonment for not more than twenty years."

"Racial and other discrimination (article 133)

"(1) Any person who, on the basis of difference in race, colour of skin, nationality or ethnic origin, violates fundamental human rights and freedoms recognized by the international community shall be punished by imprisonment for not less than six months, and not more then five years.

"(2) The punishment specified in paragraph 1 of this article shall be inflicted on any person who persecutes organizations or individuals for their efforts to promote equality of all persons.

"(3) Any person who disseminates ideas claiming superiority of one race over another or promotes racial hatred, or incites racial discrimination, shall be punished by imprisonment for not less than three months and not more than three years."

"Establishment of slavery and transportation of slaves (article 134)

"(1) Any person who, in violation of rules of international law, forces another person into slavery or another position similar to slavery, or keeps another person in such a position, or buys, sells, transfers to another person, or mediates in purchase, selling or cession of such a person, or incites another person to sell his or her freedom or freedom of his or her dependents or of other persons he or she takes care of, shall be punished by imprisonment for not less than one year, and not more than ten years.

"(2) Any person who transports slaves from one country to another shall be punished by imprisonment for not less than six months, and not more than five years.

"(3) Any person who commits acts specified in paragraphs (1) or (2) of this article against a minor shall be punished by imprisonment for not less than five years."

"Violation of equality in the performance of economic activities (article 141)

"(1) Any person who abuses his or her office or authority and limits free movement and association of labour and means of reproduction in certain territory, or denies or restricts the right to reproduction in the certain territory, denies or restricts the right of a company to the transfer of goods and services in certain territory, or puts a company in an unequal position compared with other companies with respect to the conditions of operation or performance of the transfer of goods or services, or restricts free trade of goods or services, shall be punished by imprisonment for not less than six months and not more than five years."

"(2) the Punishment from Paragraph 1 of this article shall be inflicted on any person who abuses his or her social position or influence in order to commit acts specified in Paragraph 1 of this Article."

"Violation of equal employment opportunities (article 142)

"(1) Any person who denies or restricts the right of a citizen to free employment in the entire territory of the Republic of Croatia, subject to the same conditions applicable at the place of employment, shall be punished by imprisonment for not less than six months and not more than five years."

26. Violation of the equality of citizens and provoking national, racial and religious hatred, division or intolerance constitute discriminatory acts, pursuant to articles 45 and 240 of the Penal Code of the Republic of Croatia:

"Violation of the equality of citizens (article 45)

"(1) Any person who, on the basis of different nationality, race, colour of skin, religious affiliation, ethnic background, sex, education, social status, social origin or wealth, denies or restricts the freedom or rights of a person and of a citizen, specified in the Constitution, law or other regulation, or who, on the basis of such differences, grants benefits or rights shall be punished by imprisonment for not less than three months and not more than five years."

"(2) Any person who, in violation of regulations on the use of languages and scripts, denies or restricts the right of a citizen to use certain language or script shall be punished by imprisonment for not more than one year."

"Provoking national, racial or religious hatred, division or intolerance (article 240)

"(1) Any person who causes or incites national, racial or religious hatred, division or intolerance among peoples and minorities living in the Republic of Croatia shall be punished by imprisonment for not less than six months and not more than five years.

"(2) If the crime specified in paragraph 1 of this article is committed by use of extortion, harassment, jeopardizing security, ridiculing national ethnic or religious symbols, causing damage to property of others, desecration of monuments, monumental marks or graves, the responsible person shall be punished by imprisonment for not more than eight years.

"(3) If the crimes specified in paragraphs 1 and 2 of this article is committed by the abuse of office or authority, or if such crimes have caused disorder, violence or other serious consequences for the common life of peoples or minorities living in the Republic of Croatia, the responsible person shall be punished by imprisonment for not more than

eight years for the crime specified in paragraph 1 of this article, and by imprisonment for not more than ten years for crime specified in paragraph 2 of this article."

27. The Republic of Croatia also became a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the International Convention against Apartheid in Sports. Pursuant to article 139 of the Constitution of the Republic of Croatia both Conventions are a part of the domestic legislation of the Republic of Croatia and have legal force above the ordinary statutes.

Article 4

28. Pursuant to article 39 of the Constitution of the Republic of Croatia it is prohibited and criminalized to call for or to incite war or use of violence, national, racial or religious hatred, or any other form of intolerance. Article 20 of the Constitution of the Republic of Croatia sets forth individual responsibility for violation of constitutional provisions on fundamental human rights and freedoms, i.e. the perpetrators of such violations cannot exonerate themselves by claiming that they were just executing the orders of their superiors. Violation of the equality of citizens on the basis of racial discrimination is prohibited and subject to criminal liability pursuant to the Basic Penal Code of the Republic of Croatia and pursuant to the Penal Code of the Republic of Croatia.

29. Article 133 of the Basic Penal Code of the Republic of Croatia reads:

"(1) Any person who, on the basis of different race, colour of skin, nationality or ethnic origin violates fundamental human rights and freedoms recognized by international community shall be punished by imprisonment for not less than six months and not more than five years.

"(2) Punishment specified in paragraph 1 of this article shall be imposed on any person who harasses organizations or individuals on the basis of their efforts to promote equality of all men.

"(3) Any person who disseminates ideas claiming superiority of one race over another or promotes racial hatred, or incites racial discrimination, shall be punished by imprisonment for not less than three months and not more than three years."

30. Article 45 of the Penal Code of the Republic of Croatia reads:

"(1) Any person who, on the basis of different nationality, race, colour of skin, religious affiliation, ethnic background, sex, education, social status, social origin or wealth, denies or restricts freedoms or rights of a person and of a citizen specified in the Constitution, law or any other regulation, or who, on the basis of such differences, discriminates against citizens, shall be punished by imprisonment for not less than three months and not more than five years."

"(2) Any person who, in violation of regulations concerning the use of languages and scripts, denies or restricts rights of citizens to use certain language or script shall be punished by imprisonment for not more than one year."

31. Pursuant to article 76 of the Penal Code of the Republic of Croatia any person who publicly ridicules peoples, minorities or ethnic groups living in the Republic of Croatia shall be punished by imprisonment for not less than three months and not more than three years.

32. Causing national, racial or religious hatred, division or intolerance is subject to criminal liability pursuant to article 240 of the Penal Code of the Republic of Croatia which reads:

"(1) Any person who causes or incites national, racial or religious hatred, division or intolerance among peoples and minorities living in the Republic of Croatia shall be punished by imprisonment for not less than six months and not more than five years.

"(2) If the crime specified in paragraph 1 of this article is committed by the use of extortion, harassment, jeopardizing security, ridiculing national ethnic or religious symbols, causing damage to property of others, desecration of monuments, monumental marks or graves, the responsible person shall be punished by imprisonment for not more than eight years.

"(3) If the crimes specified in paragraphs 1 and 2 of this article are committed by the abuse of office or authority, or if such a crime has caused disorder, violence or other serious consequences for common life of peoples and minorities living in the republic of Croatia, the responsible person shall be punished by imprisonment for not more than eight years for the crime specified in paragraph 1 of this Article, and by imprisonment for not more than ten years for the crime specified in paragraph 2 of this Article."

33. According to the information from the State Prosecutor's office, in the period from 1991 to 31 October 1996, six criminal charges were been brought for the crimes specified in article 45 of the Penal Code. However, proceedings have not been instituted and criminal charges have been rejected since elements of this crime did not exist. For the crime specified in article 240 of the Penal Code criminal charges were filed against 50 persons; 35 persons were indicted and 15 convicted. No charges were brought on the basis of article 133 of the Basic Penal Code of the Republic of Croatia. Five charges were brought on the basis of article 76, paragraph 2, of the Penal Code; all 5 proceedings are pending.

Article 5

34. The Constitution of the Republic of Croatia and its laws guarantee to all individuals, regardless of their race, colour of skin, sex, language, religion, political or other orientation, national or social origin, property, birth, education, social status or other characteristics, equality before the law and all rights specified in article 5 of the Convention.

Right to equal treatment before tribunals and all other organs administering justice

35. This right is guaranteed in article 26 of the Constitution of the Republic of Croatia which sets forth the principle of equality of all citizens and foreigners before courts and other State and other bodies vested with public authority. That constitutional right, as well as other constitutional human rights and freedoms, is protected by the Constitutional Court of the Republic of Croatia (article 124, paragraph 1, line 3, of the Constitution of the Republic of Croatia). According to article 28, paragraph 1, of the Constitutional Law on the Constitutional Court of the Republic of Croatia, anyone may file a constitutional complaint with the Constitutional Court if he or she deems that a decision enacted by judicial, administrative or other authorities violates his or her rights and freedoms guaranteed by the Constitution.

36. In the period between 1 January, 1991 and 31 October, 1997, the Constitutional Court of the Republic of Croatia received 138 constitutional complaints filed on the grounds of the violation of the right to equal treatment before courts and other State bodies or bodies vested with public authority. Out of that number, 77 constitutional complaints have been decided: 15 have been granted, 37 denied as unfounded, and 25 rejected (for lack of jurisdiction, expiration of limitation period or lack of procedural requirements).

Right to security of person and protection by the State against violence or bodily harm, whether inflicted by officials or by any individual, group or institution

37. This right is guaranteed in articles 21 and 22 of the Constitution of the Republic of Croatia pursuant to which every human being has the right to life. In the Republic of Croatia, the death penalty does not exist, individual freedom and human dignity are inviolable, and no one can be denied or deprived of freedom, save where specified by law and pursuant to a judicial decision.

38. Pursuant to article 17, paragraph 3, of the Constitution of the Republic of Croatia, the application of constitutional provisions regulating right to life, prohibition of torture, cruel or humiliating treatment or punishment and the principle nullum crimen nulla poena sine lege, cannot be restricted even in the case of immediate jeopardy for existence of the State.

39. Article 35 of the Constitution of the Republic of Croatia guarantees to every citizen the respect for and legal protection of his or her personal and family life, dignity, reputation and honour.

40. Articles 24, 25, 28 and 29 of the Constitution of the Republic of Croatia set forth mechanisms for the protection from arbitrary arrest and guarantee the rights of arrested persons, persons in pre-trail detention and indicted persons. A person can be arrested only pursuant to an arrest warrant, and all prisoners and convicted persons have to be treated in a humane way and their dignity has to be respected. No one can be deemed guilty of a crime prior to the final judicial decision. Indicted persons are

entitled to an attorney to represent them in judicial proceedings. Unlawfully obtained evidence must not be used in judicial proceedings. Everyone who has been unlawfully deprived of his or her freedom or unlawfully sentenced shall have, in accordance with the law, the right to compensation and a public apology.

41. Rules pursuant to which it is ensured that innocent persons are not convicted, and that those guilty of a crime are sentenced pursuant to the Criminal code and by the application of the due process of law, are contained in the Criminal Procedure Code which sets forth the following:

(a) Only a court having jurisdiction in the matter can pronounce a sanction upon a person guilty of a crime, pursuant to a procedure initiated and performed in accordance with the Code (article 2);

(b) No one can be deemed guilty of a crime before it is decided by a final judicial decision (article 3);

(c) An indicted person shall, upon the first examination, be informed about the crime of which he or she is accused, as well as the grounds for the indictment (article 4, Paragraph 1);

(d) It is prohibited and subject to criminal liability to extort confession or any statement from an indicted person or any other person participating in the proceedings (article 9);

(e) Indicted persons are entitled to either defend themselves or to have a defence attorney, as well as freely to choose a defence attorney from the ranks of attorneys (article 10, paragraph 1);

(f) If an indicted person does not choose an attorney, the court shall appoint a defence attorney in order to ensure the defence, in situations specified by the Law (article 10, paragraph 2);

(g) An indicted person shall be allowed sufficient time to prepare his or her defence (article 10, paragraph 3);

(h) The court and public authorities taking part in criminal proceedings shall have an obligation to establish, accurately and completely, facts which are relevant for reaching a lawful decision, (article 14, paragraph 1); they shall have an obligation to examine and establish encumbering and extenuating facts with the same care (article 14, paragraph 2);

(i) An indicted person shall prior to the first examination be instructed about his or her right to have a defence attorney, and that the defense attorney is entitled to attend the examination (article 62, paragraph 2);

(j) Questions to an indicted person have to be asked clearly, articulately, and in a defined manner, so that he or she can understand them completely. In questioning, one must not assume that the indicted person has

confessed something that he or she has not actually confessed. Questions containing a ready made answer must not be asked. No force shall be used to obtain an indicted person's statement or confession (article 209, paragraph 1);

(k) If later statements of an indicted person are not identical to his or her previous statements, and especially if an indicted person revokes his or her confession, he or she shall be asked to state reasons for giving different statements, or for revoking his or her confession (article 209, paragraph 2);

(l) An indicted person's confession given at the main hearing, however complete, does not relieve the court from the obligation to examine other evidence (article 313).

42. Civilians massacred and executed in the Croatian occupied territory. According to the official information provided by the Information and Research Department of the Ministry of Health (10 September, 1996), during the war in the Republic of Croatia, 9,886 wounded civilians and 3,103 civilian deaths have been registered in the territory formerly under the protection of the United Nations, as a direct consequence of the aggression carried out by the Yugoslav Army and Serbian paramilitary units. Among wounded civilians were 1,155 children, 4 priests and 45 medical doctors or other medical personnel. Among the dead civilians there were 273 children, 3 priests and 12 medical doctors or other medical personnel. These facts indicate the extremely high ratio of civilians in the total number of victims (one third of all persons wounded or killed!). However, these facts represent only the confirmed victims (on the basis of medical and autopsy reports), indicating that the total number of victims is probably much higher. The following information gives estimates of other victims.

43. On the basis of the large number of documented statements given by surviving eyewitnesses, until August 1995 Serbian paramilitary units massacred, executed or brutally killed at least 1,000 Croatian civilians in many places within the occupied Croatian territory; most of the victims were over 60. Subsequent executions of at least 500 Croatian civilians have occurred until recently in the occupied territory (Baranja, Vukovar, Zadar and its hinterland) following the assumption of responsibility for that territory by UNPROFOR in mid-1992. On the basis of previously collected official information, at least 1,851 Croatian citizens have been killed in Vukovar: 590 victims were officially registered by the Information and Research Department of the Ministry of Health as of 6 November, 1991 including 13 children; 709 victims were listed on the "List of identified dead persons" received from Yugoslav Army pathologists following the fall and occupation of Vukovar; 266 persons were executed or killed following the occupation of Vukovar and later on in Serbian concentration camps, which was documented by written statements of surviving witnesses; 286 victims were listed on the list compiled by a Vukovar undertaker. However, having in mind that 1,228 persons disappeared or were forcibly taken from Vukovar, including 294 persons forcibly taken the Vukovar hospital (18 hospital employees, 25 members of the medical staff, 57 civilians and 194 wounded), and since there are solid reasons to believe that some of those persons have been killed, the total

number of victims in Vukovar is estimated to be between 3,000 and 3,500 persons (the number of renewed requests to search for forcibly taken, imprisoned and missing persons in March 1994 dropped below 2,642 the number established in 1991-1993).

44. Mass graves located in the territory of the Republic of Croatia under provisional United Nations administration. As a consequence of the many mass executions and random mass killings of Croatian civilians and some captured Croatian soldiers by the Yugoslav Army and Serbian paramilitary units within the (until recently) occupied Croatian territory, there are a large number of mass graves the exact number of which can not be established. The same applies for the number of victims of mass killings. However, in order to illustrate the wide practice and the brutality of those war crimes, we can list a summary and selective list of 11 locations within the territory under UNTAES administration (the probable number of victims buried at each location is indicated in brackets): Ovèara (200 victims); five locations in the city of Vukovar: sport stadium "Sloga" (120 victims), "Kivi" store (approximately 360 victims), the New Graveyard in Vukovar (approximately 1,200 victims) the old brick factory building on Sajmište (approximately 250 victims), Gelesova Dol near Petrova Gora (approximately 70 victims); Lovas (approximately 140 victims); Tovarnik (four graves, approximately 250 victims); Jakobovac (approximately 300 victims); Petrovci (16 victims); Ernestinovo (several mass graves); Tordinci (208 victims); Dalj (approximately 300 victims); Berak (32 victims); Bogdanovci-Vukovar area (more then 300 missing persons).

45. Forcibly taken, imprisoned and missing persons. According to the results of the campaign for the renewal of requests to search for the forcibly taken, imprisoned and missing persons which was undertaken by the Commission for Imprisoned and Missing Persons of the Government of the Republic of Croatia in cooperation with the Office for the Victims of the War of the Government of the Republic of Croatia, the Information and Research Department of the Ministry of Health, the Croatian Red Cross, and the Association of Families of Imprisoned and Missing Croatian Defenders in February and March 1994, as well as according to other requests which were registered with the Commission for Imprisoned and Missing Persons of the Government of the Republic of Croatia until March 1996, the total number of forcibly taken, imprisoned and missing persons in Croatia amounts to 2,810. According to the precise evidence collected civilians account for 52 per cent of all forcibly taken, imprisoned and missing persons while members of the Croatian military forces account for 48 per cent. In the action for the renewal of requests to search for missing persons, information has been collected and a file completed containing all the known circumstances relating to the disappearance, statements of witnesses and medical documentation that is necessary for the further search for missing persons.

46. The majority of the missing persons (1,484 or 53 per cent) have been imprisoned, forcibly taken or missing in the territory under UNTAES administration. The largest number of those persons (828, or 29 per cent of all missing persons) have been imprisoned, forcibly taken or missing in the city of Vukovar proper.

47. According to official information gathered from the Commission for Imprisoned and Missing Persons, as of March 1996, 6,725 persons were released from Serbian concentration camps and prisons. According to the results of an extensive survey by medical doctors, 90 per cent of all prisoners were mistreated while in custody. Extensive medical documentation on mistreatment in custody has been collected.

48. Persons disabled in war. On the basis of medical documentation gathered from medical institutions in the territory of the Republic of Croatia, by 10 January, 1996, 8,589 disabled persons suffering serious bodily injuries as a consequence of being wounded in the war had been registered with the Information and Research Department of the Ministry of Health, among them 97 children. During the aggression, 2,464 persons, 60 of them children, were wounded in Vukovar.

49. Having in mind that terrorism represents one of the most serious threats to human rights, article 236 of the Croatian Penal Code prescribes imprisonment for terrorist acts committed in the Republic of Croatia, and article 135 provides for the same.

Political rights in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in Government and to conduct public affairs at all levels and to have equal access to public service

50. This right is guaranteed in articles 44 and 45 of the Constitution of the Republic of Croatia, by the Law on Election of Representatives to the Parliament of the Republic of Croatia, by the Law on the System of Public Administration, by the Law on Local Self-Government and Local Government (chapter III - Direct participation of citizens in decision-making) and by the Law on Election of Members of Representative Bodies of Units of Local Self-Government and Local Government.

51. Pursuant to article 44 of the Constitution of the Republic of Croatia, every citizen of the Republic of Croatia has the right, subject to the same conditions, to take part in the conduct of public affairs and to hold public service.

52. Pursuant to article 45 of the Constitution of the Republic of Croatia, the right to suffrage is universal and equal and belongs to all citizens of the Republic who are 18 years old. The right of suffrage is exercised in direct elections by secret ballot. All citizens of the Republic of Croatia who, at the time of the elections, happen to be outside the territory of the Republic of Croatia can exercise their voting rights in the States where they find themselves at the time of the elections, or in another way specified by law.

53. Articles 60 to 65 of the Croatian Penal Code envisage criminal liability for the obstruction of the right of suffrage, violation of the free choice of voters, abuse of suffrage rights, violation of the privacy of voting, destruction of voting documents and electoral fraud. All these crimes shall be punished by imprisonment.

54. Participation of ethnic and national communities or minorities in the Parliament of the Republic of Croatia and representative bodies of units of local self-government and local government is regulated by the electoral legislation of the Republic of Croatia. Members of ethnic and national communities or minorities elect eight representatives to the Parliament of the Republic of Croatia. Representatives of ethnic and national communities or minorities making up more then 8 per cent of the population of the Republic according to the 1981 population census are entitled to representation in Parliament which is proportionate to their ratio in the total population of Croatia. Calculation of their representation in the House of Representatives is made on the basis of the total number of representatives, that is 120. Members of ethnic and national communities or minorities who make up less than 8 per cent of the total population of the Republic of Croatia are entitled to have at least five representatives in the House of Representatives. However, until the new population census is carried out, members of ethnic and national communities or minorities shall elect eight representatives. The Hungarian, Italian, Czech, Slovak, Ruthenian, Ukrainian, German and Austrian ethnic and national communities or minorities are entitled to one representative each. The Serb ethnic and national community or minority is entitled to three representatives. Bearing in mind that the demographic structure of the Republic of Croatia has changed and that the population, primarily ethnic Croats, has been resettled, the number of members of ethnic and national communities or minorities cannot be established with certainty.

55. Regarding the representation of ethnic and national communities or minorities in representative bodies of municipalities, towns and counties, it should be emphasized that their representation is guaranteed, depending either on the ratio of members of ethnic and national communities or minorities in the electorate of the unit in question, or on their ratio in the electorate at the State level, depending on whether the members of an ethnic and national community or minority make up more or less then 8 per cent of population.

56. Political parties and individual voters can participate in elections for members of representative bodies. In order to take part in the elections and to nominate their candidates or lists of candidates, political parties have to be registered in the Republic of Croatia while voters, regardless of whether they are nominating a single candidate or a list of candidates, have to be residents of the Republic of Croatia and have to be registered with the electoral list in the place of their residence.

Other civil rights

57. The right to freedom of movement and residence within the State; the right to leave the country and to return to the country. Pursuant to article 32 of the Constitution of the Republic of Croatia, all persons legally residing in the territory of the Republic of Croatia shall have the right to move freely and to choose their residence. Every citizen of the Republic of Croatia has the right to leave the country at any time and to settle permanently or temporarily abroad, as well as to return to the country. The right to move within the territory of the Republic of Croatia, to enter and leave the country can, as a matter of exception, be restricted by law if it is necessary for the protection of legal order, national health, or for the protection of rights and freedoms of others.

58. Foreign citizens and persons without citizenship may, pursuant to article 33 of the Constitution of the Republic of Croatia, obtain asylum in the Republic of Croatia, save if they are indicted for non-political crimes and activities contrary to the fundamental principles of international law. A foreign national who is legally present in the territory of the Republic of Croatia cannot be either expelled or extradited to another State, save pursuant to the execution of a warrant enacted in accordance with international treaty and law.

59. The mentioned constitutional provision is elaborated in the Law on Movement and Residence of Foreign Citizens. Pursuant to the Law, a foreign citizen can be denied entry in the Republic of Croatia, his or her movement in certain areas can be restricted or prohibited, his or her residence can be revoked, or permanent residence in certain areas denied only on the grounds of national security, or for the reasons of the protection of public order (article 3).

60. A foreign national shall have an obligation to register his or her residence and change of his or her address, or to cancel his or her residence with the body having jurisdiction in the matter. Non-compliance with these duties is a ground for misdemeanour responsibility, or for cancellation of residence pursuant to article 39 of the same Law. A misdemeanour tribunal can deliver a protective measure and expel a foreign national from the territory of the Republic of Croatia.

61. Every person who deems that his or her right to free movement and residence is violated can protect these rights pursuant to the administrative procedure or the administrative review procedure by filing a suit with the Administrative Court of the Republic of Croatia, as well as pursuant to non-judicial procedure by filing a complaint with the appropriate Commission of the Parliament of the Republic of Croatia.

62. From the beginning of the Serbian aggression against Croatia, in addition to numerous other violations of human rights and freedoms, the right to free movement, to free choice of residence and permanent residence, the right to leave the territory of the State and to return to it were violated.

63. Expulsion of the non-Serb population, that is, ethnic cleansing, began in Croatia in summer 1991 when more than 350,000 citizens were deported from the Serb-held occupied territories of Eastern Slavonia, Baranja, Kordun, Knin, Obrovac, Drniš and Benkovac. The ethnic cleansing continued both in the so-called UNPA and the "pink zones", that is the parts of Croatia under occupation. Those areas were put under UNPROFOR control pursuant to the Security Resolution 734 (1992).

64. During the war in Croatia and Bosnia and Herzegovina, the Republic of Croatia admitted and took care of a large number of displaced persons from the occupied parts of Croatia and refugees from the neighbouring Bosnia and Herzegovina. All of them were accommodated in the non-occupied territory.

65. By the end of 1992 there were 700,000 displaced persons and refugees in the Republic of Croatia. At the same time, approximately 500,000 refugees

from Bosnia and Herzegovina crossed Croatia and left for third countries. All displaced persons and refugees from Bosnia and Herzegovina, regardless of their ethnic background or any other differences, were granted accommodation, food, health care and education for their children. Funds were, by and large, allocated from the State budget. In the period between 1991 and 1995, the Republic of Croatia spent more than US$ 1.25 billion to cover the needs of displaced persons and refugees. The costs for their basic care (accommodation and food) amounted to US$ 808.5 million. In 1996, 800 million kunas (US$ 144,414,759) were spent for the same purpose.

66. The return of Croatian displaced persons began after the liberation of the major part of the occupied territory of the Republic of Croatia, in May and August 1995. The United Nations, UNPROFOR and UNCRO troops (which, by the way, did not succeed in returning a single Croatian displaced person to the areas under their protection) left Croatia. A large number of Serbs, under the leadership of their extremist leaders, left the liberated territory of the Republic of Croatia, where they used to live (approximately 135,000 persons, 30,000 of them soldiers). That occurred despite the repeated appeals of the President of the Republic of Croatia and the Government of the Republic of Croatia not to leave those areas since all their rights would be protected on an equal basis with the other citizens of the Republic of Croatia.

67. According to information gathered by the Office for Displaced Persons and Refugees of the Government of the Republic of Croatia, 61,012 displaced persons and 13,173 Serbs who left had returned to the liberated territory as of 1 November 1996. Most of the Serbs returned after having obtained the permission of the Office for Displaced Persons and Refugees (7,962) while the remaining number returned on the basis of other valid Croatian documents (Certificate of Citizenship and other). However, approximately one third of the repatriation requests filed by Serbs who had left were unacceptable, owing to political conditions such as the withdrawal of the Croatian army.

68. Great difficulties in the process of return of both Croatian displaced persons and Serbs who had left are due to a lack of financial sources for the reconstruction of housing, infrastructure and, especially, the economy, as well as for the reconstruction of the formerly occupied territory which was totally devastated during the occupation.

69. According to information gathered by the Office for Displaced Persons and Refugees of the Government of the Republic of Croatia, 366,135 displaced persons, returnees and refugees are still accommodated in Croatia. Among them 167,035 are refugees from Bosnia and Herzegovina, the majority of Croatian descent (75.54 per cent), followed by Muslims (27.73 per cent), Serbs (0.81 per cent), and members of other national minorities (0.91 per cent). There are 6,688 refugees from the territory of the Federal Republic of Yugoslavia, and 94 per cent of whom are ethnic Croats.

70. Right to nationality. Article 9 of the Constitution of the Republic of Croatia provides that Croatian citizenship, its acquisition and termination, shall be regulated by law. Requirements and procedures for the acquisition and termination of Croatian citizenship are regulated in the Law on Croatian Citizenship.

71. Pursuant to article 3 of the mentioned Law, Croatian citizenship can be acquired by descent, by birth in the territory of the Republic of Croatia (if both parents are not known, or in the case of persons without citizenship, or without certain citizenship), by naturalization, and in accordance with international treaties. Pursuant to article 4 of the same Law, Croatian citizenship can be acquired by descent if at the time of birth both parents were Croatian citizens, if one of the parents was a Croatian citizen and the baby was born in the territory of the Republic of Croatia, or if one of the parents was a Croatian citizen and the other parent did not have any citizenship or his or her citizenship was not known, and the baby was born outside Croatia.

72. Article 30 of the Law provides that Croatian citizenship can be acquired pursuant to regulations in force prior to the effective date of the Law, that is before 8 October 1991. That means that persons having their permanent residence in the Republic of Croatia on 8 October 1991 who were not Croatian citizens did not become stateless. As citizens of one of the republics of the former Socialist Federal Republic of Yugoslavia (SFRY) they acquired, pursuant to article 79 of the Law on Movement and Residence of Foreigners, the status of a foreigner with permanent residence. In order to acquire Croatian citizenship they only needed to express their wish to do so. Any person who lives and wishes to live permanently in the Republic of Croatia but is not and does not wish to become a Croatian citizen, despite the fact that he or she has met all the requirements, shall have guaranteed legal status of a foreigner with permanent residence. Such persons can apply for Croatian citizenship and acquire it by naturalization, pursuant to law.

73. According to information gathered by the Ministry of Interior, in the period to which this report refers, 767,481 applications for Croatian citizenship were received, 764,969 applications were processed, 726,403 of them were granted and 38,566 denied. Following the denial of Croatian citizenship, 15,063 administrative review procedures were instituted before the Administrative Court of the Republic of Croatia. Before the Court had delivered its ruling, the Ministry of Interior reversed 6,202 denials and granted citizenship to the applicants. The Administrative Court of the Republic of Croatia delivered 7,794 rulings and reversed 1,938 decisions in favour of applicants. In the same period 18,822 applications for revocation of Croatian citizenship were filed, 18,094 were granted and 773 are still pending.

74. Right to marriage and choice of spouse. This right is regulated in the Law on Marriage and Family Relations pursuant to which a marriage, as a community of a woman and a man, is based on equality, mutual respect and assistance of spouses (article 2). According to the provisions of the Law, spouses are co-equals, they have to decide together where they will live, and are free to choose their jobs and vocations individually. Issues concerning upbringing of their children and performance of tasks related to the marital or family community, as well as parental rights, belong to the mother and the father together, and decisions concerning those issues have to be made under terms of equality and consensus (articles 31, 32, 33, 68 and 75).

75. Right to own property alone as well as in association with others. This right is guaranteed in article 48 of the Constitution of the Republic of Croatia pursuant to which foreigners can acquire the right to property subject to conditions specified in a law. Certain restrictions concerning property are laid down in the Constitution of the Republic of Croatia, particularly in article 50 which provides that it is possible to restrict or take away ownership if it is in the interest of the Republic of Croatia. The market value compensation has to be given. Freedom of enterpreneurship and property rights can exceptionally be restricted by law for the purpose of the protection of the interest and security of the Republic, nature, the environment and human health. Protection of property rights is regulated in the Law on Ownership and Other Property-Related Rights. It is specifically set forth that:

(a) Any individual or legal person can be a bearer of ownership rights, including property-related rights such as: servitude, rights originating from real encumbrances, construction rights, lien on any item which is capable of being an object of such rights, save where otherwise provided by law (article 1, paragraph 1);

(b) There shall be only one type of the right to ownership (article 1, paragraph 2);

(c) The right to ownership and other property-related rights can be taken away or restricted against the will of owners only subject to the requirements specified by law (article 1, paragraph 3);

(d) An owner of an item shall have a claim against a person who has possession of that item to have the item returned to his or her possession (article 161, paragraph 1);

(e) The ownership right specified in paragraph 1 of article 1 shall not be subject to any limitation period save where otherwise specified by law (article 161, paragraph 2);

(f) In order to exercise the right, before a court or another body vested with jurisdiction to decide in the matter, to have an item returned from a possessor, an owner has to show that the item he or she claims is in his or her ownership and that it is in the possession of the respondent (article 162, paragraph 1);

(g) If a third person disturbs an owner, without just reason, in a way other than by taking away an item, the owner can institute judicial proceedings in order to secure the termination of the disturbance (article 167, paragraph 1);

(h) When disturbance mentioned in paragraph 1 has caused damage, the owner shall be entitled to compensation for damages pursuant to general provisions applicable to compensation for damages (article 167, paragraph 3);

(i) Provisions of the Law shall be applicable to foreign individuals and legal persons, save where otherwise provided by law or an international treaty (article 354, paragraph 1);

(j) Restrictions of ownership of real estate in the territory of the Republic of Croatia imposed on foreign persons by the Law shall not be applicable to ownership of moveables or to limited realty rights (article 354, paragraph 2);

(k) According to the Law, an individual shall be deemed a foreign individual where he or she is not a citizen of the Republic of Croatia, save where otherwise provided by law (article 355, paragraph 1);

(l) Persons who are not citizens of the Republic of Croatia but who are foreign immigrants originating from the territory of the Republic of Croatia, or their descendants, shall not be deemed foreigners pursuant to the Law if a body of public administration having jurisdiction in citizenship affairs decides that they meet the requirements for the acquisition of the citizenship of the Republic of Croatia (article 355, paragraph 2);

(m) For purposes of the Law a legal person shall be deemed a foreign legal person when its registered seat is outside the territory of the Republic of Croatia, save where otherwise provided by law (article 355, paragraph 3).

(n) Foreign individuals and legal persons may, subject to reciprocity, inherit ownership of real estate in the territory of the Republic of Croatia (article 356, paragraph 1);

(o) Foreign individuals may, save where otherwise provided by law, subject to reciprocity, acquire ownership of real estate in the territory of the Republic of Croatia subject to permission of the Minister of Foreign Affairs of the Republic of Croatia, following the opinion of the Minister of Justice of the Republic of Croatia, save where otherwise provided by law (article 356, paragraph 2);

(p) Foreign individuals without citizenship who are foreign immigrants originating from the territory of the former SFRY, or their descendants, may acquire ownership of real estate in the territory of the Republic of Croatia subject to permission of the Minister of Emigration, following the prior opinion of the Minister of Justice of the Republic of Croatia (article 356, paragraph 3).

76. Right to inherit. This right is guaranteed in article 48, paragraph 4, of the Constitution of the Republic of Croatia. Inheritance is regulated by the Law on Inheritance. Pursuant to the Law, citizens shall have an equal right to inherit, subject to the same requirements. Men and women have the same right to inherit, and foreign nationals have, subject to reciprocity, the same rights as Croatian citizens.

77. Right to freedom of thought, conscience and religion. Article 40 of the Constitution of the Republic of Croatia guarantees the freedom of conscience, religious affiliation and free public expression of religious or other beliefs. According to article 41 of the Constitution of the Republic of Croatia, all religious communities are equal before the law and separate from the State. Furthermore, religious communities are free to perform religious services; found, run and manage schools, educational institutions, other

institutions, social and welfare institutions; and enjoy full support and assistance from the State in their activities. The legal position of religious communities in the Republic of Croatia has been regulated by the Law on the Legal Status of Religious Communities of 1978, according to which religious communities have been defined as civil legal persons. However, the Law does not stipulate that registration is obligatory, neither does it determine the body which would record and list religious communities. Therefore, it is not possible to provide information on the number of religious communities and their organizations which are currently active in the Republic of Croatia.

78. Right to freedom of opinion and expression. This right has been guaranteed by article 38 of the Constitution of the Republic of Croatia. According to that provision, freedom of thought encompasses in particular freedom of press and other media, freedom of speech and public address and freedom to found institutions to inform the public. Censorship is forbidden and journalists have the right to inform and the right to free access of information. The right to redress is guaranteed to anybody who may deem that a public address has violated his constitutional rights. The provisions which guarantee freedom of press and other media, the right of journalists and others to inform the public, their free access to information and other rights of these persons and their responsibility for published information, compensation for damage caused by published information and redress are contained in the Law on Public Information.

79. Illegal prevention of the printing, sale or distribution of printed materials (magazines, newspapers, books and other printed matter) is determined by the Penal Law of the Republic of Croatia to be a criminal offence which entails a fine or up to one year's imprisonment (article 59). Access to information may be restricted in order to protect the public interest if the information has been proclaimed a State or a military secret by a law or some other regulation. Moreover, the Basic Penal Law of the Republic of Croatia contains a special provision on criminal responsibility for offences committed through the press and other media and other means of communication (articles 25, 26, 27). The publicizing of personal or family details is considered a criminal offence pursuant to the Penal Law of the Republic of Croatia and commands a fine or imprisonment.

80. Since in the Republic of Croatia there is neither a monopoly nor censorship of the press, the variety of printed material available enables the promotion of various political beliefs and positions. The foreign press is also freely imported into Croatia.

81. Members of ethnic and national communities or minorities exercise their rights to freedom of thought and free expression of thoughts through the press and printed matter, pursuant to article 38 of the Constitution of the Republic of Croatia, by publishing newspapers and other occasional publications as follows:

(a) For members of the Italian ethnic and national community or minority in the Republic of Croatia, Slovenia and subscribers in Italy (on the basis of cooperation between the Italian Union of Rijeka and the National University of Trieste) Edit, a Rijeka- based independent publishing house,

publishes four papers: La voce del popolo, a daily paper; L'arcobaleno, a monthly for children, Panorama, a bimonthly; and La battana, a literary magazine;

(b) For members of the Czech ethnic and national community or minority there is Jednota, a Daruvar-based publishing house which publishes Jednota, a weekly, and Djecji Kutic, a children's monthly, as well as the "Czech National Calendar". Within the scope of its publishing activities Jednota has published three volumes of Josip Matusek's book Czechs in Croatia and Rudi Turek's Homeland, Your Name is Daruvar. The latter was presented to the public in 1996 on the occasion of the fiftieth anniversary of the publishing house;

(c) For members of the Slovak ethnic and national community or minority Matica Slovacka publishes Pramen, a monthly which was originally published in Slovakia and since 1993 has been printed in Osijek. It relies on the cooperation of all the members of Matica's executive board and its advisory boards;

(d) For members of the Hungarian ethnic and national community or minority the editorial board of HUNCRO publishes in Hungarian a weekly, Uj Magjar Kepes Uysag, a monthly, Horvatszagi Magyarsag, the Horvatoszagi Rovatkak almanac and BARKOCA a children's magazine. It has also published Gabor Zoltan's ELMONDOM;

(e) For members of the Ruthenian ethnic and national community or minority the editorial board of the Zagreb based "Nova dumka" publishes Nova dumka, an illustrated bimonthly, and in 1996 it published Rusinske pjesme authored by Dr. Ivan Zganec;

(f) For members of the Serb ethnic and national community or minority SKD Prosvjeta publishes Prosvjeta, a monthly for cultural and social issues of Serbs in the Republic of Croatia, as well as Pcela, a children's magazine. Together with the Association of Serbs of Rijeka, SKD Prosvjeta has published Artefacti, a professional magazine. Within its publishing activities in 1996 it published Against the War authored by Dr. Drago Roksandic, Democracy in Post-Communist Societies by Jovan Miric, Serbs in Croatia in the Light of Museum Sciences, authored by Dr. Aleksandra Sanja Lazarevic, Bibliography of Dusan Calic's Works by Gjuro Medic, Candles and Lotuses authored by Milena Severovic, From a Gentleman to a Peasant by Adam Pribicevic, Srbin do Srbina, a bibliography by Sime Klazic Lukin, Chronicles of SKD Prosvjeta and School Autonomy of Serbs in Croatia, authored by Dr. Sinisa Tatalovic and Dr. Slobodan Uzelac. Work continues on the selected projects In Serbian Archives by Svetozar Pribicevic, Prosvjeta, a review of SKD Prosvjeta's history, Lexicon of Serbs in Croatia and Prvi otkazi by Bogdan Lastavica. New publishing projects which have recently been embarked on are Selected Poetry by Branislav Zeljkovic and Selected Passages by Svetozar Livada. The Association of Serbs in Croatia publishes Nas glas, a monthly magazine, and the Serbian Democratic Forum publishes Identitet another monthly magazine;

(g) For the members of the Austrian and German ethnic and national communities or minorities the German ethnic association publishes German Word, a bilingual bimonthly magazine, and Zbornik '95 (VDG Jahrbuch '95) which contains papers presented at a symposium on Germans and Austrians in the Croatian cultural circle;

(h) For the Jewish ethnic and national community the Jewish Municipality of Zagreb publishes Bilten. Miroslav Salom Freiberg, a cultural society which is part of the Jewish Municipality of Zagreb, has launched Novi Omanut, a magazine of Jewish culture and history. The Jewish Municipality also printed Anti-Semitism, Holocaust and Fascism, a collection of papers;

(i) For members of the Albanian ethnic and national community or minority the Association of Albanians in the Republic of Croatia publishes a monthly magazine, Informatori, in Albanian. It has also published a book, Albanci Klementinci u Hrkovcima i Nikovcima (1737-1997) authored by Frok Zefig, and a translation of the Constitution of the Republic of Croatia in Albanian;

(j) For members of the Muslim ethnic and national community or minority Preporod, the cultural association of Bosnians in Croatia, publishes two magazines: a monthly, Behar, and Jasmin. The association has also published the following books: Under Some Other Sun by Hivzija Bjelevec, Death was Better by Dzenet Garibovic, Pod beharom moje janje spava, an anthology of Bosnian poetry for children compiled by Ibrahim Kajan, and Bibliografija Behara.

(k) For members of the Roma ethnic and national community or minority, the Association of Rom societies of Croatia publishes Romano Akharipe magazine;

(l) For members of the Montenegrin ethnic and national community or minority the Zagreb-based National Association of Montenegrins in Croatia publishes Facta Montegrina a gazette of the Montenegrin national community. It has also published Pola milenijuma Crnojevica stamparije, a book of papers;

(m) For members of the Macedonian ethnic and national community or minority the Association of Macedonians in the Republic of Croatia publishes Makedonski glas and a book, Hrvatsko-makedonske knjizevne veze, authored by Prof. Goran Kalogjera.

82. The role of the media in presenting human rights has been determined and ensured through the implementation of the Law on Croatian Television, the Law on Telecommunications and the Law on Informing the Public. The Law on Croatian Radio and Television (HRT) regulates the ownership status of Croatian television, its programme obligations, management and funding. According to the provisions on the programme obligations of HRT (articles 6-11 of the Law), HRT undertakes to inform the public in a truthful, objective and timely manner on political, economic, cultural and sports events and phenomena in the country and abroad; and to inform Croatian nationals in neighbouring countries, the Croatian Diaspora and the international public. HRT programmes must not favour a political party or its positions, or any other individual

position; HRT is obliged to respect the principles of journalist ethics, pluralism of ideas and world views, tolerance, respect for privacy and other human rights and freedoms. In view of the implementation of the programming tasks and the influence of the general public on radio and television programming, the Council of the Croatian Radio and Television was founded (article 2 of the Law on Amendments to the Law on HRT). The Council numbers 19 members, 15 of whom are members of Parliament who are appointed by Parliament. In order to protect the interests of ethnic and national communities or minorities and of religious communities in Croatia, the Parliament of the Republic of Croatia appoints two representatives from the ranks of an ethnic and national community or minority and a religious community (one each) to the Council. The Council's task is to determine programming orientations and evaluate their execution in keeping with the programming obligations of HRT. From its inception in 1992 the Council has endeavoured to carry out its tasks with the best interests of the ethnic and national communities or minorities and religious communities at heart. In keeping with this, the Council has also been involved with the programme orientation for the programmes specializing in the lives of members of ethnic or national communities or minorities, religious groups, and the programmes in the languages of ethnic groups or minorities.

83. Croatian television has a dedicated editorial staff for the production of specialized programmes for the members of ethnic and national communities or minorities. It prepares the following programmes: Prizma - a multinational magazine which is broadcast on Saturdays at 11 o'clock. This is a regular weekly 60-minute programme prepared in Zagreb in cooperation with all the regional studios. Every show is dedicated to a particular region with a high concentration of members of ethnic and national communities and minorities. The Serb population receives a special segment within this show. These shows are prepared by regional studios and correspondents. They air occasionally within the "Prizma" slot. So far these programmes have been broadcast from Osijek and Bjelovar, and shows from Rijeka, Split and Dubrovnik are in preparation.

84. In its news, documentary and entertainment shows, Croatian television also presents particular ethnic and national communities or minorities, their cultural heritage and major institutions. The editorial staff also prepares reports and stories about the events, life and work of ethnic and national communities or minorities for the main news programme. In the upcoming county chronicles there will be news for members of ethnic and national communities or minorities in their respective mother tongue. As soon as Croatian television starts its regional programmes, there will be regular weekly programmes for ethnic and national communities or minorities.

85. The Zagreb radio station broadcasts daily, through its main and other news programmes, everything that is relevant to the life of all the members of ethnic and national communities or minorities living in Croatia. The Zagreb radio station has a weekly bilingual 30-minute music and talk show about cultural and educational activities entitled: "From the Everyday Life of our Ethnic and National Communities or Minorities".

86. Wherever the concentration of particular ethnic and national communities or minorities is higher, ethnic and national communities or minorities participate in the creation of programmes in their mother tongue for the local radio and television stations as follows:

(a) For members of the Italian ethnic and national community or minority, the Rijeka radio station broadcasts 10-minute news flash programmes four times a day, and a 20-minute news programme once a day. The Pula radio station broadcasts a daily half-hour mosaic programme in the Italian language and two news flash programmes;

(b) For members of the Czech ethnic and national community or minority, the Daruvar radio station broadcasts a 30-minute programme daily, a one-hour programme twice a week and a weekly half-hour programme in the Czech language;

(c) For members of the Slovak ethnic and national community or minority the Vukovar radio station broadcasts a weekly one-hour programme in Slovak and the Nasice radio station broadcasts a 15-minute programme once a week;

(d) For members of the Hungarian ethnic and national community or minority, Osijek radio station broadcasts a daily half-hour programme in Hungarian, the Vukovar radio station broadcasts a half-hour Hungarian programme five times a week, and the Baranja radio broadcasts a half-hour daily programme and a one-hour weekly programme;

(e) For members of the Ruthenian and Ukrainian ethnic and national communities or minorities, the Vukovar radio station broadcasts in Ruthenian and Ukrainian a half-hour programme five days a week, and the Slavonski Brod radio has a 15-minute show "Ukrainians in Croatia" twice a week;

(f) For members of the German and Austrian ethnic and national communities or minorities, the Vukovar radio station used to broadcast a weekly one-hour programme during the first six months of 1996.

87. The right to freedom of peaceful assembly and association. This right has been regulated by the Law on Public Assembly which lists the types of gatherings which do not have to be filed with the authorized body of public administrations, as well as the cases in which a public gathering will be forbidden. The application for a public gathering should be filed at least 48 hours before its occurrence with the police administration, i.e. the police station within whose jurisdiction the gathering is supposed to take place, and foreign physical and legal persons file the application for a public gathering at least five days before the scheduled date. A negative ruling on the proposed gathering is passed by the authorized police administration at least 24 hours prior to the scheduled time thereof. The organizers have the right to appeal the ruling to the Ministry of the Interior and, if the appeal is denied, administrative proceedings can be instituted before the Constitutional Court of the Republic of Croatia.

88. In the reporting period, a total of 40,122 applications for public gatherings were filed, of which 40,053 were approved, 62 were denied and 27 applications were rejected. The denied approval was appealed in 2 cases, and there were no administrative procedures instituted.

89. Article 43 of the Constitution of the Republic of Croatia guarantees all citizens the right to free association for the purpose of the protection of their benefits, or giving support to social, economic, political, national, cultural or other beliefs and goals. The right of free association is restricted only to prevent the violent endangerment of the democratic constitutional order, as well as the independence, unity and territorial integrity of the Republic of Croatia.

90. Article 6 of the Constitution of the Republic of Croatia stipulates that the forming of political parties is free, that political parties are organized on a territorial principle, and that a party which by its programme or activity endangers the democratic constitutional order, independence, unity and territorial integrity of the Republic of Croatia will be banned. Political parties in the Republic of Croatia act pursuant to the Law on Political Parties passed in 1993. According to the Law, political parties are associations whose goals are expressed within the programme and statute of the party itself. The activities of political parties are public. Political parties cannot have their organizational branches within the bodies of the State administration, bodies of local self-government, companies, institutions, army, police or other legal persons. A political party can be formed by a minimum of 100 individuals of age, capable of providing for themselves by working and citizens of the Republic of Croatia.

91. In the Republic of Croatia there are 65 political parties. Of these, 13 are parliamentary political parties (13 representatives in the House of Representatives and 8 representatives in the House of Counties of the Croatian Parliament) and 52 are extraparliamentary political parties. Of the 65 political parties, 11 are composed predominantly of members of ethnic and national communities or minorities (Albanian Democratic Christian Party of Croatia, Albanian Islamic Democratic Union, Bosnian Democratic Party, Democratic Union of Muslims in Croatia, Democratic Union of Albanians in Croatia, Croatian Muslim Democratic Party, Hungarian National Party of Croatia, Independent Serbian Party, Serbian National Party, Party of Democratic Action of Croatia, Party of Roms in Croatia). The primary goal of these parties is the promotion and protection of the political interests and needs of members of ethnic and national minorities in the Republic of Croatia.

92. As already stated, the Constitution of the Republic of Croatia stipulates precisely when and in what cases the right of free association is restricted. Pursuant to this, as per the Law, a party which by its programme encourages or calls for violence against the democratic constitutional order or the independence, unity or territorial integrity of the Republic of Croatia will be denied the right to be entered into the registry of political parties of Croatia. So far, only one political party has been denied registration for the above-mentioned reason. The party's name is the New Croatian Right Wing Party. The ruling was appealed and the administrative dispute was heard before the Administrative Court of the Republic of Croatia. The Court rejected the suit and confirmed the ruling to deny registration.

93. It should be said at this point that the responsible body of the State administration is authorized to reject registration applications only for the above-mentioned reasons; it may not refuse registration either to control the constitutionality of the programme and actions of the political party, or to prevent them from carrying out their activities; this falls, pursuant to the Constitution of the Republic of Croatia, under the authority of the Constitutional Court of the Republic of Croatia pursuant to articles 35 and 36 of the Constitutional Law on the Constitutional Court of the Republic of Croatia. The request to ban a political party can be filed by the President of the Republic of Croatia, by either of the houses of Parliament, the Government of the Republic of Croatia, the Supreme Court of the Republic of Croatia, the body in charge of the registration of political parties, the State Attorney of the Republic of Croatia and the Ombudsman (article 32). To date, the Constitutional Court has not placed a ban on the work of any political party.

94. In addition to political parties, in Croatia there are 16,768 organizations freely available to citizens for the realization of their cultural, educational, artistic, scientific, health, social, sport, technical, humanitarian and other interests. All citizens can become members of such organizations according to the requirements stipulated by the organization's statute. In the Republic of Croatia organizations are founded and they act in conformity with the Law on Social Organizations and Associations of Citizens of the Republic of Croatia. Exceptionally, foreigners can also join under the conditions stipulated by law. Upon their inception, organizations must be registered with the body of the State administration in charge of general administrative duties in the respective territory. The following organizations have been registered so far: sports organizations (6,547), humanitarian organizations (889), technical culture (681) and other organizations - cultural, artistic, educational, environmental, organizations for the protection of human rights and the protection of the rights of ethnic and national communities and minorities (10,262).

Economic, social and cultural rights, in particular:

95. The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration. In conformity with article 54 of the Constitution of the Republic of Croatia, everyone has the right to work and freedom of work, a free choice of profession and employment and access, under equal conditions, to every job and position.

96. A provision on the right to work without discrimination is contained within the Law on Employment, whose article 2 stipulates as follows: "A person looking for employment and a person who has found employment (employee) must not be put in an unfavourable position by other persons on account of race, colour of skin, sex, marital status, family commitments, age, language, religion, political or other beliefs, national or social background, financial standing, birth, social position, membership or non-membership in a political party, membership or non-membership in a trade union and physical or mental disabilities.

97. In addition to the citizens of the Republic of Croatia, the right to work can also be exercised by foreigners, under conditions stipulated by the Law on Employment of Foreigners. According to the Law, a foreigner may enter employment in the Republic of Croatia on the basis of a valid work permit, if he or she meets general and particular conditions stipulated by the Law. A work permit is issued to a foreigner as a rule for a limited period of time while his or her employment contract lasts, and up to a year at most. A foreigner who has been granted permanent residence in the Republic of Croatia can be issued a permanent work permit (personal work permit). According to article 10 of the Law, a foreigner with refugee status in the Republic of Croatia is also entitled to a personal work permit.

98. According to the data of the Croatian Bureau of Employment, in the period from 1991 to 30 October 1996, out of 43,642 applications for work permits by foreigners, 34,551 were approved and 6,465 rejected.

99. According to article 55 of the Constitution of the Republic of Croatia every employee has the right to such remuneration as will enable him/her and his/her family to have a free and dignified life. Each employee is entitled to a weekly rest and a paid holiday, which rights he/she cannot renounce.

100. With regard to the fact that the legal system of the Republic of Croatia bans racial discrimination, so far there have been no cases of employees receiving different pay for equal work based on any form of racial discrimination.

101. The regime of pay in the Republic of Croatia has been left to the autonomy of the parties involved; the base and standards for the payment of salaries are therefore established by an individual work contract, collective work agreement or book of regulations on work. However, despite the autonomy of the parties, the process of establishing the basis and measures for the payment of salaries excludes any possibility or form of racial discrimination.

102. In the State and public sectors, salaries are determined by the law pursuant to the system of wages and salaries for the officials and employees who have the same coefficient for the calculation of pay by which their job is evaluated, without any difference or any form of racial discrimination.

103. Employment in the country and abroad is the responsibility of the Croatian Bureau of Employment which acts according to the Law on Employment which regulates mediation in employment, career counselling, training of the unemployed, insurance coverage in case of unemployment, measures and activities for maintaining the current employment levels and stimulating new employment, raising funds for the activities of employment, as well as the system, management and implementation of employment activities in conformity with the market workforce policies. According to the Law all employees are insured against unemployment, in which case they are entitled to the following benefits: personal income compensation, right to health insurance, right to old-age and personal insurance, child's allowance according to special regulations, financial assistance, compensation for the expenses of training, a one-time grant and compensation for travel and removal expenses.

104. The Croatian Employment Bureau ensures the provision of permanent professional assistance to the unemployed and other persons in selecting and finding a profession or job which matches their professional and other work capabilities. It also assists job providers with finding the right people for the vacancies they have. The Bureau's services are free of charge and are unbiased with regard to the unemployed and employers. Foreign citizens with work permits who are registered with the Bureau have all the aforementioned rights in case of unemployment.

105. The Croatian Employment Bureau mediates in finding employment abroad in cooperation with the bureaux of respective countries and with shipowners in conformity with conventions and recommendations of the International Labour Organization and other international agreements binding upon the Republic of Croatia. In arranging for employment abroad, the Bureau informs the prospective employee of the conditions of life and work, of the rights and special obligations stemming from such employment, and provides them with assistance in exercising their rights stemming from employment abroad upon their return.

106. The right to form and join trade unions. By article 43 of the Constitution of the Republic of Croatia citizens are guaranteed the right to free association in order to protect their benefits or advocate their social, economic, political, national, cultural and other beliefs and aims. For this reason citizens are free to found political parties, trade unions and other associations, to join and become members or to withdraw their membership therefrom. In keeping with this provision, article 59 of the Constitution of the Republic of Croatia provides all employees and employers the right to found trade unions and join them or withdraw their membership therefrom at their free will with a view to protecting their economic and social interests. Trade unions may found alliances and join international trade union organizations.

107. The entire issue pertaining to the scope of the foundation of trade unions and employers' association has been regulated by the provisions of articles 159 through 184 of the Law on Employment. The Law on Employment (article 2) establishes a general ban on discrimination between employees by stipulating that a person seeking employment, as well as a person who has entered employment (employee), should not be discriminated against on account of race, colour of skin, sex, marital status, age, language, religion, political or other belief, national or social background, financial status, birth, social standing, membership or non-membership in a political party, membership or non-membership in a trade union and physical or mental disabilities. In keeping with this provision, article 160 of the Law stipulates that an employee is free to join and withdraw from a trade union and must not be discriminated against on account of membership or non-membership in a trade union and participation or non-participation in a trade union's activities through the employment policy or throughout the employment period. According to article 180 of the Law the following is forbidden: to offer an employee a contract on condition that he does not join or withdraws from a trade union, to terminate an employment contract or in any other way discriminate against an employee on account of trade union membership or participation in trade union activities outside working hours, or during working hours with the previous consent of the employer. Membership

in a trade union or participation in trade union activities should not be conditions on which an employer bases a decision to terminate the employment agreement, change an employee's place of work or job description, continue training, award a promotion or make social payments.

108. Enhanced protection, in addition to that stipulated by article 180 of the Law on Employment, is provided to shop stewards by article 182 of the same Law, which stipulates that a shop steward can be made redundant during the period of his office and up to six months after the end of the office only with the previous consent of the trade union. Should the trade union refuse to grant the consent, a court decision is required. All employees who deem that one of their rights has been violated or whose employer violates the ban on discrimination against employees on account of membership in a trade union may seek court protection.

109. The Constitution of the Republic of Croatia, in article 59, paragraph 3, stipulates that the trade union activities of the armed and police forces may be restricted by law. Accordingly, the Law on Service in the Armed Forces of the Republic of Croatia forbids the military (commissioned officers) to found trade unions and parties within the armed forces (article 9), which implies that other employees of the armed forces (office workers and civilian employees) are not denied this right. The Croatian police forces are neither forbidden nor restricted by any law their right of trade union association; general provisions on the freedom of trade union association therefore apply to them.

110. According to the Law on State Officials and Employees and on the Salaries of Bearers of Judicial Offices, State officials have the right to trade union association in conformity with the general provisions on employment (article 4), which means that State officials have the right to trade union association without any restrictions, like all other employees, pursuant the to Law on Employment. This right refers to the employees of public companies and companies with predominantly State ownership.

111. According to the Law on Employment, trade union organizations can act independently or may form associations among themselves. According to the data of the Ministry of Employment and Social Welfare, the register of trade union and employers' associations comprises 21 associations of trade unions, 1 association of employers, 104 trade union associations and 18 employers' associations.

112. The right to housing. This right has been regulated by the Law on Tenancy which stipulates the rights and obligations stemming from tenancy agreements and apartment use. The law contains no provisions which would discriminate between tenants on account of their race, colour of skin, sex, marital status, age, language, religion, political or other beliefs, national or social background, financial status, birth, social standing or other characteristics.

113. The right to public health, medical care, social security and social services. The Constitution of the Republic of Croatia by its article 58 guarantees every citizen the right to health care. The exercise of this right is regulated by the Law on Health Care and the Law on Medical Insurance.

Both laws have been passed upon the proclamation of the Constitution of the Republic of Croatia and are based on the principles of fundamental human rights and freedoms regardless of race, colour of skin, sex, religion, language, political or other beliefs, national or social background, financial standing, birth, education, social standing or other characteristics. The provisions of the Law on Health Care, which elaborates the principles of health care, the right to health care and the obligations of health care providers, the term "citizen", i.e. the term used in the Constitution of the Republic of Croatia, is used to emphasize the equality of all the individuals in the Republic of Croatia in exercising their right to health care, regardless of the differences stated in article 1, paragraph 2, of the Convention. The Law also states that medical care is "comprehensive", which means that it encompasses all the citizens of the Republic of Croatia (articles 9, 10, 25 and 103). Health-care providers are bound by law to respect the moral and ethical principles of the medical profession, which include the obligation to provide health care to all citizens while respecting their personalities and human dignity (article 103).

114. The Law on Health Insurance is based on the principle that the system of health insurance in a welfare State ensures the right to health care and other rights stemming from health insurance regardless of race, sex, religion or national affiliation. Therefore, the Law uses the term "insured persons", members of the insured persons' families and other persons insured under certain conditions. In the wording of both Laws no single right or exercise thereof is connected with affiliation to a certain group based on race, nation, sex, religion, etc.

115. By article 56 of the Constitution the regulation of the rights of employees and members of their families to social security has been left to legislative regulations. By the implementation of legislative regulations on pension and personal insurance, the status of insured person is acquired by citizens and members of their families on the basis of work, i.e. employment or self-employment. Since the right to work and freedom of work are guaranteed by article 54 of the Constitution of the Republic of Croatia, all citizens who work, and through them the members of their families, acquire the compulsory status of insured person within the system of pension and personal insurance. This status is acquired regardless of citizenship, colour, race, sex and religious or national affiliation since the relevant legislative regulations refer only to "the status of an insured person" without any additional distinctions or restrictions.

116. The work of the pension and personal insurance funds is regulated by the implementation of the principle of openness to the public, under the supervision of the Ministry of Employment and Social Welfare. Directors of funds are responsible to the Government of the Republic of Croatia, which appoints them. Court protection of rights in this domain is guaranteed by the legislative regulations covering pensions and personal insurance.

117. Payment of benefits from the Croatian pension and personal insurance funds to persons residing abroad is made without any restrictions with regard to race, colour, or national or ethnic affiliation, except in those cases in which the country of the beneficiary's residence does not pay benefits to beneficiaries in the Republic of Croatia (reciprocity).

118. Upon the proclamation of independence in 1991, Croatia took over the federal legislation pertaining to pensions and personal insurance from former SFRY and has been implementing this as the national legislation, and it has also continued without interruption implementation of its former legislation as an autonomous republic. Croatia has also succeeded to all bilateral and multilateral agreements ratified by the former Yugoslavia in this field and has been implementing them in the same way, i.e. without any discrimination on account of citizenship of the applicant or beneficiary of the payment rights. In this way all acquired rights have been preserved, and further acquisition of rights has been ensured under equal conditions regardless of citizenship, race, colour, national or ethnic affiliation.

119. Pursuant to the implementation of such agreements, limit beneficiaries to citizens of the former SFRY and citizens of the States parties to the contract, Croatia recognizes the right to payment of persons who are currently not Croatian citizens but who are citizens of another State constituted upon the dissolution of the SFRY, thus not changing the personal scope of these agreements.

120. The Republic of Croatia has proclaimed itself by the Constitution as a "welfare State". It has also proclaimed "social justice" as one of the highest values of constitutional order of the Republic of Croatia (articles 1 and 3).

121. Constitutional regulations provide the orientation for the regulation of the system of social welfare by stating the following:

(a) The elderly, disabled and other citizens of the Republic of Croatia not provided for by reason of unemployment or incapacity to work are guaranteed the right to assistance with the provision of basic needs (article 57, paragraph 1);

(b) The Republic pays special attention to the protection of disabled persons and their integration into the social life of the country (article 57, paragraph 2);

(c) Physically and mentally impaired and abandoned children have the right to special care and education (article 63, paragraph 3);

(d) The Republic pays special attention to minor orphans and those who are not looked after by their parents (article 63, paragraph 5).

122. The above constitutional determinations have been elaborated on in the regulations of the system of social welfare as well as the ways, conditions and procedures for particular forms of social welfare, as follows: the Law on Social Protection, the Law of Raising Solidarity Funds for the Provision of the Protection of the Standard of Living of the Socially Deprived Population, the Book of Regulations on the Realization of Social Protection, the Book of Regulations on the Scope, Conditions and the Ways of Issuing and Using the Social Identification Card and the Decree on the Existential Minimum.

123. Moreover, the appropriate forms of social welfare have been determined by the Social Programme which was passed by the Government of the Republic of Croatia on 11 March 1993, and Amendments to the Social Programme passed on

24 August 1993. Pursuant to the aforementioned regulations all citizens of the Republic of Croatia can, under equal conditions, exercise their rights to all forms of social welfare.

124. The organization of the social welfare services has ensured their accessibility. Social welfare is under the jurisdiction of social work centres. In the territory of Croatia there are 99 social work centres with 11 branch offices. Such a system enables every citizen of the Republic of Croatia to secure their social protection rights on the basis of their place of residence. Persons without a permanent residence or residence in Croatia are also entitled to social protection. It can be concluded from the foregoing that in the realization of the right to social welfare there are no differences, discrimination, restrictions or preferences based on race, colour, ancestors, national or ethnic background, and that social services are equally accessible to all who may need social welfare.

125. The right to education and training. In conformity with article 65 of the Constitution of the Republic of Croatia, primary education is compulsory and free and accessible to all under equal conditions, and secondary and higher education according to ability. Pursuant to article 66 of the Constitution of the Republic of Croatia all the citizens are given the possibility to found private schools and institutions of learning under the conditions stipulated by law. The autonomy of the university is guaranteed by article 67 of the Republic of Croatia, including autonomy in making decisions on its organization and activities in conformity with the law.

126. The Law on Social Care of Pre-School Children, the Law on Primary Education and the Law on Secondary Education do not contain the aforementioned constitutional provisions nor are they elaborated therein. However, it may be deduced from the aforementioned laws that everyone, regardless of their race, colour of skin or national or ethnic background, under equal conditions, can exercise their right to education and vocational training, and that within the scope of activities of education and training everyone, under equal conditions, may realize their right to work and exercise all the rights arising therefrom.

127. The Constitutional Law and the Law on Education in Minority Languages stipulate and elaborate the additional rights which are exercised equally by the members of all ethnic and national communities or minorities (the Final Proposal of the Law on Education in the Languages of Ethnic and National Communities or Minorities, by which the aforementioned rights will be expanded, is currently in the parliamentary procedure).

128. By article 6, paragraph 1 (c), of the Constitutional Law, the Republic of Croatia has committed itself to ensuring, amongst other rights, the right to identity, culture, religious belief, public and private use of their language and alphabet and education of the members of all ethnic and national communities or minorities. According to article 7 of the Law, members of all the ethnic and national communities or minorities in the Republic of Croatia are free to use, in their private and public life, their own language and alphabet. In the communities in which members of all the ethnic and national communities or minorities make up the majority of the total population, the language and alphabet of the ethnic and national community or minority will be

in official use together with Croatian and the Latin alphabet. In conformity with article 8 of the Law, units of local self-government may provide for the official use of two or more languages and alphabets, bearing in mind the number of members and the interests of ethnic and national communities or minorities.

129. The practice of the official use of minority languages existed even before the proclamation of independence of the Republic of Croatia, and it was continued upon independence. Today this is the practice in 43 municipalities in respect of the Italian language, in 9 in respect of Czech, 6 in respect of Slovak, 4 in respect of Ruthenian, 2 in respect of Ukrainian and 36 municipalities in respect of Hungarian.

130. Article 14 of the Constitutional Law stipulates that the education of members of ethnic and national communities or minorities in the Republic of Croatia is carried out in nurseries and schools in their respective languages and alphabets, according to special curricula which contain the appropriate content of their history, culture and science, should they so wish. The part of the curriculum which is related to the national affiliation of the students is established by the body of the Republic of Croatia responsible for education upon the proposal of the Governmental Office for International Relations, and the part of curriculum which is not connected with the national affiliation of such students is carried out in conformity with the regulations passed by the body of the Republic of Croatia responsible for education.

131. Article 15 of the Constitutional Law stipulates:

"In the cities and other settlements in which ethnic and national communities or minorities make up a relative majority of the population, if the number of students so allows, there will be a separate educational institution or separate classes for the tuition in the language and alphabet of the ethnic community or minority, should they so wish.

"In the case that, due to a low number of students, such schools and classes cannot be organized according to the criteria in paragraph 1 of this article, then the tuition of a syllabus connected with the national affiliation of the students (language, literature, history and so forth) will be organized within a separate class and will be carried out by teachers or professors of the same national affiliation as the students, should the parents express such a wish.

"In the cities and settlements from which during the Second World War and subsequently the autochthonous population of other ethnic and national communities or minorities has been expelled to their parent countries, or have been affected by the policy of eviction into parent countries, optional tuition of the language of the ethnic and national community or minority can be introduced in the fourth grade and taught to the end of secondary education as a foreign language, regardless of the percentage of representation of the ethnic and national community or minority in the regional population.

"In the cities and other settlements there will be measures undertaken with a view to the protection of the collective rights of autochthonous ethnic and national communities and minorities to participation in public affairs, education, culture, spiritual and religious life and access to the media regardless of their share in total population.

"The measures in paragraph 4 of this article will be undertaken until the full re-establishment of system of organizations with the goal of cherishing and promoting national particularities, culture and educational institutions of minority communities in their former extent."

According to article 17 of the Constitutional Law, members of ethnic and national communities or minorities can found private nurseries, schools and other institutions of learning.

132. According to the provisions of the Constitutional Law and other laws and by-laws, tuition in the languages of ethnic and national communities or minorities is part of the unique educational system in the Republic of Croatia within which the system of grading of schools and types of school has been established (from pre-school education to higher school learning).

133. All the expenses with regard to the organization and execution of curricula (teachers' salaries, maintenance and construction of schools and material expenses) are to be borne by the Ministry of Education and Sports according to the standards applicable at schools with the curriculum in the Croatian language. The Government allocates funds for the incremental cost of the publication of textbooks in order to enable the students, members of ethnic and national communities or minorities to buy textbooks at the same price as their peers attending Croatian language schools.

Curricula

134. At schools attended by the members of national communities or minorities, in addition to regular modules and curricula, there are supplemental modules and curricula. These curricula encompass topics which deal with the special characteristics of the mother tongue, history, geography, arts and music.

135. The curricula which have been adopted so far are for the members of ethnic and national communities or minorities of Italians, Hungarians, Czechs, Slovaks, Ruthenians, Ukrainians and Serbs for primary schools. The specific characteristics of each ethnic and national community have imposed different forms of teaching and the application of different curricula, so four different school curricula have been put together and are currently being used:

(a) The curricula which, in addition to the modules shared with the schools whose curricula are in Croatian, contain lessons in their mother tongue, literature, history, geography and arts and music, and tuition is entirely in the mother tongue;

(b) The curricula which contain all the elements as under (a), but the tuition is bilingual (in Croatian and in the mother tongue);

(c) The curricula of so-called fostering (i.e. optional learning) of the mother tongue, culture and history of the respective ethnic and national community or minority; and

(d) "Summer school" curriculum which contains the basic mother tongue, culture and history of the ethnic and national community or minority modules, attended by students during summer vacation and lasting an average of 10 to 15 days.

136. All of the above curricula have been proposed by experts - members of the respective ethnic and national community or minority, and sent for approval to the governmental body of the Republic of Croatia in charge of the national curriculum. Following the procedure for their adoption and after they have been approved by the Ministry of Education and Sport as the authorized body, these so-called supplemental curricula become official and are implemented in tuition.

137. Which of the above-mentioned curricula will be implemented at a school attended by the members of an ethnic and national community or minority depends on the choice of the members of the ethnic and national community or minority, as well as on the decision of the local authority as to which of the curricula best suits their circumstances. The choice of curricula and the form of tuition is regulated by the statute of the municipality and the statute of the school.

138. In practice, some ethnic and national communities or minorities (for example Italians) choose only the curricula with tuition entirely in their mother tongue, whereas others choose curricula which enable them to foster their mother tongue, history and culture (for example Ruthenians and Ukrainians), although all possibilities are legally open to all of them.

139. However, some ethnic and national communities and minorities apply the first three types of curricula (for example the Czech minority) so at some schools they have tuition entirely in their mother tongue, whereas at others the tuition is bilingual, and at some the curriculum is aimed at fostering the mother tongue, culture and history of their ethnic and national community or minority.

140. It should be mentioned that at the schools of ethnic and national communities or minorities, regardless of the type of curriculum applied, the number of students at schools and in particular classes is substantially lower than at the schools and classes with tuition in Croatian, which increases the cost of organizing tuition for ethnic and national communities or minorities.

141. Since the school year 1991/92, religious education has been part of the national curriculum as an optional subject at primary and secondary schools. Religious education is taught according to the syllabuses proposed by religious communities and approved by the Ministry of Education and Sports, the latter being authorized to approve and adopt all the curricula and syllabuses. Upon the proposal of the respective religious communities

syllabuses have been put together for the Catholic, Serbian Orthodox, Islamic, Adventist, Baptist and Evangelic Churches and the Church of Jesus Christ of Latter Day Saints, etc. The syllabus is carried out at schools in the languages of the ethnic and national communities or minorities according to the curriculum of the religious denomination the students and their parents belong to. Religious education is fully funded by the Republic of Croatia.

Textbooks

142. Since the school year 1996/97, compulsory textbooks are free for primary school students, including students who are members of ethnic communities or minorities.

143. The majority of textbooks are translated from Croatian into the language of the respective ethnic and national community or minority, some are printed as original textbooks, and a smaller number are imported from the country of the parent nation.

144. The publishing houses which specialize in the publication of textbooks for the members of ethnic communities or minorities are NIRO "Edit" in Rijeka and NIU "Jednota" in Daruvar for the Italian and the Czech national community or minority respectively, but the following also engage in this activity: the Union of Hungarians of the Republic of Croatia in Osijek, the Union of Associations of Roma of Croatia in Virovitica, Matica Slovacka in the Republic of Croatia in Nasice and the Serbian Cultural Society "Prosvjeta" in Zagreb (for the students of the Serbian community and occasionally other organizations of ethnic and national communities or minorities (e.g. Jewish, Rusin and Ukrainian, etc.).

145. The publishing programme of textbooks and other pedagogic and didactic material published by "Edit" for the purposes of the Italian ethnic and national community or minority in 1996 comprised 10 such items for primary schools and 6 such items for secondary schools.

146. According to its publishing schedule, for members of the Czech ethnic and national minority, NIU "Jednota" in 1996 was working on the publication of five items, three textbooks and two workbooks for primary schools.

147. Members of the Slovak ethnic and national community or minority use all the Croatian textbooks as well as the Slovak-language textbooks which are imported from Slovakia and have been approved by the Ministry of Education and Sport.

148. Members of the Hungarian ethnic and national community or minority use textbooks in Croatian in bilingual classes at "Mladost" school in Osijek and "Ivan Gundulic" school in Zagreb. They also learn Hungarian from textbooks and auxiliary literature printed in the Republic of Hungary. In the schools which foster Hungarian teachers use Hungarian publications for the study of the Hungarian language, partly for history and geography, and for other subjects they use books and literature in Croatian.

149. During summer school held in Zagreb in July 1996, a syllabus was put together and pedagogic and methodological materials were printed for members of the Rusin and Ukrainian ethnic and national communities or minorities.

150. For members of the Serb national community or minority a supplementary syllabus in the language, culture and history of Serbs in Croatia has been adopted for primary schools. Currently, the necessary books are being written. The most important textbooks are expected to be printed by September 1997.

151. Members of the Albanian ethnic and national community or minority use Albanian textbooks intended for the Albanian Diaspora.

152. In 1996 the Union of Roma in Croatia printed the second volume of papers on the problems of education of Roma in the Republic of Croatia, a valuable contribution to the issue which is being used by teachers working with members of the Roma ethnic and national community or minority.

153. A syllabus has been put together for the tuition of the mother tongue and culture of the German and Austrian ethnic and national communities or minorities in junior school. Students and teachers mostly use textbooks and other didactic materials in German either from Austria or from Germany.

Educational institutions

154. For members of the Italian ethnic or national community or minority in the region of Istria there are 24 kindergartens accommodating approximately 750 children. Kindergartens exist in Rijeka (4), Pula (8), Rovinj (2), Porec (3) and in the Bujstina region (Umag, Buje and Novigrad - 7 kindergartens). There are 17 primary schools with tuition in Italian for members of the Italian ethnic and national community or minority. Of these 17 schools, 11 are principal schools and 6 are regional branches. The schools exist in Rijeka (4 principal schools), in Pula (2 principal schools and 2 branches), in Rovinj (1 principal school and 1 branch), in Buje (1 principal school and 3 branches), and principal schools in Novigrad, Porec and Umag. There are four secondary schools for the Italian ethnic and national community or minority, in Rijeka, Pula, Rovinj and Buje. Members of the Italian ethnic and national community or minority can enrol at two departments affiliated with the School of Pedagogy in Pula: for primary schoolteachers and for pedagogy. Both syllabuses are carried out in Italian.

155. For members of the Czech ethnic and national community or minority there are two kindergartens, one in Daruvar and the other in Koncanica. Four schools have complete syllabuses in Czech, and seven schools have optional programmes in the Czech tongue and culture. The grammar school in Daruvar offers a module of the Czech language and Czech culture and history.

156. A primary school in Josipovac offers an optional Slovak language module for members of the Slovak ethnic and national community or minority. In addition to Croatian, students from first to eighth grade can also take lessons in their mother tongue. Slovak is optional in Jurjevac (for grades 1 to 4), Markova and Nasice (grades 5 to 8) and in Jelisavac. In Ilok

(Vukovar municipality), which had a considerable population of ethnic Slovaks, there were four classes of bilingual primary school until autumn 1991. Half of the subjects were taught in Croatian and the other half in Slovak.

157. A bilingual group in Potocnica kindergarten is offered to members of the Hungarian ethnic and national community or minority, and one bilingual group was formed in the school year 1994/95 in "Krijesnica" kindergarten in Osijek. Hungarian language and culture for members of the ethnic and national community or minority in Osijek are taught in 18 primary schools by teachers who are also members of the Hungarian ethnic and national community or minority but teachers of other subjects do not have to be Hungarian, as the schools are Croatian schools. In the school year 1996/97 a bilingual Croatian-Hungarian junior one class was opened in Zagreb (Ivan Gundulic primary school). At the beginning of this calendar year (1997) a part of the bilingual primary school in Zmajevac, which had been relocated to Osijek in 1992, returned to Zmajevac. The school syllabus is executed according to the curriculum approved by the Ministry of Education and Sport. Also in Zagreb, since the school year 1994/95, Hungarian language and culture have been taught in secondary schools. This is not compulsory. The subject is taught by a Hungarian teacher who is a citizen of the Republic of Croatia and all the expenses are borne by the Ministry of Education and Sport. Members of the ethnic and national community or minority attend summer school in Hungary, lasting 10 to 15 days. The school is funded by the Republic of Hungary and subsidized by the Republic of Croatia.

158. Members of the Ruthenian and Ukrainian ethnic and national communities or minorities could attend the following schools in 1995: Zagreb (one class for Rusins and one for Ukrainians), Lipovljani (two classes for Ukrainians), Slavonski Brod (two classes for Ukrainians), Sumece (one class for Ukrainians), Osijek (one class for Ukrainians), Vinkovci (two classes for Rusins). Since 1992 a summer school has been organized as a special form of learning the mother tongue and culture for the students who are members of the Rusin and Ukrainian ethnic communities or minorities. In 1995 the school was attended by 120 primary and secondary school students, and a few university students. The school lasted three weeks. It followed special programmes approved by the Ministry of Education and Sport, which also covered all the expenses.

159. In 1996 primary school students who are members of the Serb ethnic and national community or minority attended a summer school in Peroj. The goal of the school was fostering the Serbian language and culture. This was executed according to a syllabus proposed by Prosvjeta (Zagreb), a Serbian cultural association, and it was approved by the Ministry of Education and Sport. All accommodation, travel and tuition costs were borne by the Ministry of Education and Sport.

160. For members of the German and Austrian ethnic and national communities or minorities, in Mak kindergarten in Osijek there is a bilingual group comprising 25 children. In the school year 1995/96 a bilingual class was opened in Osijek and at the beginning of the school year 1996/97 two bilingual classes (I-II) were opened at Sveta Ana primary school.

161. For members of the Jewish ethnic and national community or minority, there is a kindergarten, Mirjam Weiler, within the Jewish Municipality of Zagreb. At the Municipality's premises Hebrew courses are organized for pre-school children and for primary and secondary school students.

162. For members of the Albanian ethnic and national community or minority optional tuition in Albanian has been organized at Izidor Krsnjavi school in Zagreb. This type of tuition is currently being prepared for schools in Rijeka and Osijek.

163. For members of the Roma ethnic and national community or minority, in July 1996 summer school for Roma children took place in Zagreb, at Dora Pejacevic, a pupil's home. The school was organized by the Ministry of Education and Sport and the Alliance of Associations of Roma in Croatia. The school was fully funded by the Ministry of Education and Sport. The first such summer school was organized in 1994. Moreover, for members of the Roma ethnic and national community or minority the Committee on the Roma Pastoral of the Episcopal Conference organized, again this year, a specific form of educational and religious activity - Roma Educational Community - which took place in July 1996 in Zagreb. Tuition in Roma language and culture was organized and carried out in July 1996 for the Roma students living in Zagreb. The tuition was initiated by the Association of Roma in Croatia (Zagreb) and was funded by the Ministry of Education and Sport. Following the proposal of the Association of Roma of Zagreb and Zagreb county, a certain form of activities has been designed and is carried out for Roma children at the Kozari Putovi estate in Zagreb), by which 6-to-10-year-old children who have not attended regular schools are prepared for school. The education of children who are members of the Roma ethnic and national community or minority is very specific and involves problems which are not common to the education of other ethnic and national communities or minorities. The major problem with these children is not the availability of tuition in their language and culture, but non-attendance at any type of school. A large majority of Roma are still illiterate, which diminishes their chances of integration into the life of a modern civilized society.

164. Other ethnic and national communities and minorities, in keeping with the degree of their affiliation and the expressed interest, in cooperation with the Ministry of Education and Sport, will organize tuition and the publication of textbooks and other teaching materials in their respective mother tongue and alphabet.

165. In schools in ethnic and national communities or minorities' language, tuition is carried out by the teachers who are members of the ethnic and national communities or minorities, who receive education in the Republic of Croatia, and partly in the parent country.

166. In the schools where tuition is either in the language of the respective ethnic and national community or minority or bilingual, school administration and pedagogic materials are bilingual, and for other forms of education they are in Croatian only.

167. The right to equal participation in cultural activities. Article 68 of the Constitution of the Republic of Croatia guarantees the freedom of scientific, cultural and artistic creativity as well as the protection of the moral and material rights stemming from scientific, cultural, artistic, intellectual and other types of creative work. The Republic of Croatia encourages and supports the development of science, culture and art, and protects scientific, cultural and artistic products as national values. In conformity with the aforementioned provision, the laws within the scope of culture do not contain any provision which could serve as a basis for any type of racial discrimination.

168. Ethnic and national communities or minorities organize and promote various cultural activities through culture clubs and societies, and for those ethnic and national communities or minorities who do not have culture clubs and societies, those activities are carried out by their respective organizations. The work of the aforementioned clubs, societies and organizations is subsidized from the State budget. Ethnic and national communities or minorities which have culture clubs and societies are: Italians, Czechs, Slovaks, Hungarians, Ruthenians, Ukrainians, Serbs, Germans, Austrians, Jews, Slovenians, Albanians, Muslims, Roma, Montenegrins and Macedonians.

169. The Italian community has a drama theatre affiliated with Ivan Zajc National Theatre in Rijeka. This institution consists of three ensembles: opera, ballet and drama. Members of the Italian ethnic and national community or minority have three cultural societies: Farttelanza, a cultural and artistic society in Rijeka, Marko Garbin, a cultural and artistic society in Rovinj, and Lino Marianni, a cultural and artistic society in Pula. The Italian Union is an organization for members of the Italian ethnic and national community or minority, which numbers 39 communities.

170. Members of the Czech ethnic and national community or minority have 21 beseda (cultural societies), which organize performances by folk groups for the commemoration of historical events and celebration of the culture and customs of the Czech people.

171. Members of the Slovak ethnic and national community or minority have three cultural and artistic societies: Ivan Brnjik Slovak, a cultural and artistic society in Jelisavac; Braca Banas, a cultural and artistic society in Josipovac; and Franjo Strapac, a cultural and artistic society in Markovac Nasicki. In 1996 new groups of linguists, singers and dancers were formed in Jurjevac, Soljani, Rijeka and Osijek.

172. Members of the Hungarian ethnic and national community or minority have two organizations: the Union of Hungarians in the Republic of Croatia and the Democratic Union of Hungarians in Croatia. The former encompasses the work of 14 amateur cultural societies: Nepkor cultural society in Osijek, Zrinyi Miklos cultural society in Djakovo, Pelmonstor cultural society in Beli Manastir, Jozsef Attila cultural society and Apstol Janos cultural society in Zmajevac, Petofi Sandor cultural society in Kotlina, Korogy cultural society in Korodje, Szent Laszlo cultural society in Laslovo, Darazs cultural society in Draz, Batina cultural society in Batina, Vardaroc cultural society in Varadarac, Csakovci cultural society in Cakovec, Acs Gedeon

cultural society in Sunja and Kopacs cultural society in Kopacevo. The latter organization promotes cultural activities through five cultural and artistic societies: Ady Endre cultural club in Korodje which works in Vinkovci, Petofi Sandor cultural society in Novi Gradac, Ady Endre Hungarian cultural society in Zagreb, Petofi Sandor culture club in Laslovo which works in Osijek, and Jankovci cultural and artistic society in Stari Jankovci.

173. Members of the Ruthenian and Ukrainian ethnic and national communities or minorities have eight cultural societies. These are: Osif Kostlenik cultural society in Vukovar, Jakim Hardi cultural society in Petrovci, Jakim Golja cultural society in Milusevci, the cultural and educational society of Rusins and Ukrainians in Zagreb, Karpati cultural and educational society of Ukrainians in Lipovljani, the cultural and educational society of Rusins and Ukrainians in Osijek, the cultural society of Rusins and Ukrainians in Vinkovci, and Ukrajina cultural and educational society in Slavonski Brod. All the cultural and artistic societies participated in the main celebration of Rusin and Ukrainian culture in the Republic of Croatia which was held in Slavonski Brod.

174. Members of the Serb ethnic and national community or minority carry out their programme of cultural activities through 16 subcommittees of Prosvjeta, a Serbian cultural society.

175. Members of the German and Austrian ethnic and national communities or minorities have four organizations: the Association of Germans and Austrians - the main branch is in Osijek, the Union of Germans in Croatia, the German Ethnic Association and the Association of Austrians in Croatia.

176. Members of the Jewish ethnic and national community or minority have their cultural societies in Zagreb: Miroslav Salom Freiberger, Lira singing club and the Milan and Ivo Steiner gallery.

177. Members of the Slovenian ethnic and national community or minority have three cultural societies as follows: Brezovica, a cultural and educational society in Rijeka, Slovenski Dom cultural and educational society in Zagreb and Triglav Slovenian society in Split.

178. Members of the Albanian ethnic and national community or minority have their cultural society, Shkendija, in Zagreb.

179. Members of the Muslim ethnic and national community or minority have Preporod, a cultural society of Bosnians in Zagreb with branches in Rijeka and Split.

180. Members of the Roma ethnic and national community or minority have the Alliance of Associations of Roma in Croatia.

181. Members or the Montenegrin ethnic and national community or minority have the National Association of Montenegrins and Montenegrina, a cultural group which is part of the Association.

182. Members of the Macedonian ethnic and national community or minority have five cultural societies: Koco Racin Macedonian cultural society in Pula, Ilinden Macedonian cultural society in Rijeka, Braca Miladinovci Macedonian cultural society in Osijek, Makedonija Macedonian cultural society in Split and Krste Misirkov Macedonian cultural society in Zagreb.

Libraries

183. In conformity with the decision of the Government of the Republic of Croatia on exercising and financing the rights of members of ethnic and national communities or minorities in the Republic of Croatia, the National and University Library has organized a system of central minority-language libraries within the public libraries. Central libraries have been founded for the Italian, Czech, Hungarian, Ruthenian, Ukrainian, Serbian, Slovenian and Albanian ethnic and national communities or minorities. Their purpose is to provide access to modern books in the various languages, as well as to provide assistance and coordination of activities of smaller and larger-size collections and libraries which are part of clubs, societies, and primary and secondary schools. Central libraries exist along with major libraries in the cities with the highest numbers of members of an ethnic and national community or minority.

184. For members of the Italian ethnic and national community or minority there is a central Italian library housing 4,100 titles in the Pula City Library and Reading Room. A considerable number of books is kept by the Italian communities, and the National and University Library of Pula houses approximately 50,000 volumes in Italian. The Centre for Historical Research has its own library with 87,000 books and is very active. In 1995 the Centre acquired 650 new titles, professional periodicals and daily papers. It has also been engaged in computerization and the creation of a catalogue of books, magazines, foreign documents and maps of Istria, Rijeka and Dalmatia in the period from the seventeenth to the twentieth centuries, as well as old almanacs and calendars. Preparations are under way for the arrangements of the Library Council of Europe. In October 1995 the Library became a depository library for the Council of Europe.

185. For members of the Czech ethnic and national community or minority there is the Central Czech Library within Petar Preradovic National Library in Bjelovar. The library houses 400 books. Members of this ethnic and national community or minority have approximately 6,500 books at their disposal in the Daruvar National Library, and Ceska Beseda in Zagreb has about 7,000 old books.

186. Members of the Hungarian ethnic and national community or minority have their Central Hungarian Library within the City and University Library of Osijek. The library, housing 27,000 titles, was moved from Beli Manastir following the Serbian aggression. The Democratic Union of Hungarians intends to open its own library which will house the books donated by the Republic of Hungary. Ady Endre, the Hungarian cultural society in Zagreb, has its own library with approximately 2,500 books in Hungarian. The Democratic Union of Hungarians in Croatia, Osijek, has about 2,000 books donated by the Republic

of Hungary. In Rijeka the Democratic Union of Hungarians in Croatia has recently opened a library with approximately 1,000 books donated by the Republic of Hungary.

187. For members of the Ruthenian and Ukrainian ethnic and national communities or minorities there is the Central Library of Ruthenians and Ukrainians at Ante Starcevic City Library of Zagreb (temporarily, until the return to Vukovar). The library started with approximately 750 books.

188. Members of the Slovenian ethnic and national community have their Central Slovenian Library in Karlovac, which is part of Ivan Goran Kovacic, the City Library. The Slovenian library houses 1,872 books. Slovenski Dom, the cultural and educational society of Slovenians in Zagreb, has its own library with approximately 5,500 books. The majority of the library's holdings is made up of books in Slovenian, and the rest are books in Croatian, Serbian, German, French and other languages.

189. Members of the Serb ethnic and national community have their Central Library and Reading Room at the Serbian Cultural Society "Prosvjeta" which has library holdings of approximately 7,500 books. In 1996 the Republic of Croatia embarked on a pilot project in settlements with a predominantly Serbian population (Gomirje, Moravice, Jasenjak, Dreznica) aimed at opening libraries which will be branches of the library in Vrbovsko (twice a week for three hours in every settlement where this service does not exist - Gomirje, Jasenjak and Dreznica).

190. Members of the Albanian ethnic and national community or minority have their Central Library within the Bogdan Ogrizovic library in Zagreb. The library houses 640 books.

191. Members of the Slovak ethnic and national community or minority have their Slovak libraries within primary schools and those in which the Slovak language is fostered. The library holdings in these school libraries are obtained and supplemented by donations from the Republic of Croatia and by acquisition from Matica Slovacka of the Republic of Croatia. Considerable library holdings are held in Matica itself and will be the core of the future Slovak library at Matica.

192. Members of the German and Austrian ethnic and national communities or minorities, the Union of Germans and Austrians, Osijek, have an Austrian reading room with 5,300 books. The German ethnic community has approximately 950 books. Preparations for the opening of the Union of Austrians in Croatia library are under way.

193. Members of the Jewish ethnic and national community or minority have, within the Jewish Municipality of Zagreb, their library housing approximately 18,000 books, old and current periodicals, archives with approximately 5,000 documents, and the beginnings of future collections of other materials (video-tapes, audio-tapes). Part of the library is the Lavoslav Sik study library which houses the oldest Jewish book in Croatia, Suhan Aruh (Laid Table), authored by Jozef Car and published between 1564 and 1567.

194. Members of the Muslim ethnic and national community or minority have a library and a reading room within Preporod, the Cultural Society of Bosnians of Croatia. The library has holdings of approximately 3,000 books, which are increased every year. In 1996 some 150 new and old books and Bosnian periodicals were obtained. The reading room offers Croatian and Bosnian dailies and weeklies.

195. Members of the Macedonian ethnic and national community or minority have been given a number of books by the Ministry of Culture of the Republic of Macedonia and they now intend to establish their own library on their own premises.

196. The library holdings in all of these libraries differ, but all the libraries increase their holdings in two principal ways: through donations by Governments, libraries, associations and individuals from the parent country and from the Republic of Croatia, and through financing from the Office for Ethnic and National Communities or Minorities, which is in charge of this activity.

197. All of the activities and programmes of the central libraries are different and are designed for all age groups of the members of minorities who are their end users. The activities include the publication of bulletins, lending, off-site exhibitions, activities involving children, the study of compulsory reading in the mother tongue, cherishing traditions and customs of all the parent nations, meetings with writers and other artists, and so on.

198. Members of other ethnic and national communities or minorities use the libraries which are part of their organizations or cultural and artistic societies for the time being, and ethnic and national communities or minorities are still without their own libraries.

Cultural heritage

199. The cultural heritage of members of ethnic and national communities or minorities is part of the cultural heritage of the Republic of Croatia and is treated integrally as the cultural heritage of the State of Croatia.

200. Museums and ethnographic collections assemble, preserve and exhibit items pertaining to the cultural heritage. As such they play an important role in the preservation of the ethnic rights of members of ethnic and national communities or minorities. The Museum of the Republic of Croatia houses a very rich ethnographic collection of works of members of ethnic and national communities or minorities which have been inadequately researched. Significant collections can be found within organizations of members of ethnic and national communities or minorities or they exist as separate entities.

201. Members of the Czech ethnic and national community or minority have their own Ethnographic Collection in Ivanovo Selo. The founder of the Ivanovo Selo Ethnographic Collection is the Alliance of Czechs in the Republic of Croatia, which transferred full ownership to the Bjelovar City Museum in September 1995.

202. Members of the Hungarian ethnic and national community or minority have their Ethnographic Museum in Hrastin.

203. Members of the Ruthenian and Ukrainian ethnic and national communities or minorities have their Ethnographic Collection in Petrovci. The Collection belongs to the City of Vukovar Museum.

204. Members of the German and Austrian ethnic and national communities or minorities do not have an ethnographic collection, but the foundation of an ethnographic museum collection of the Association of Austrians is currently under way. For the time being there are just national costumes which are exhibited at their premises in Zagreb.

205. Members of the Serb ethnic and national community or minority have, in Gorski Kotar, a centuries old sacral building called Gomirje Monastery, which is being refurbished and revitalized under the expert supervision of the Department for Protection of Cultural Monuments of the Republic of Croatia, branch office Karlovac.

206. Members of the Jewish ethnic and national community or minority have a number of arts and crafts objects, mostly sacral artefacts dating from the nineteenth and the beginning of the twentieth century, which are displayed at their premises in the Jewish Municipality of Zagreb. A permanent gallery of paintings and sculptures by Jewish artists depicting Jewish themes is just being inaugurated.

Social research

207. For members of the Italian ethnic and national community or minority, the Centre for Historical Research in Rovinj deals with historical, sociological and cultural research focusing on the issues related to members of the Italian ethnic and national community or minority. During 1996 the Centre was involved in the following projects: a dictionary of the Istrian Venetian language in the area of Koper, the historical demography of Istria and Venetian Dalmatia, a census of the inhabitants of Istria, Istrian heraldry, a history of the Italian school in Istria, a history of the Istrian economy, cartography of Istria and Dalmatia, the archaeological heritage of Istria and Rijeka, the history of the cultural and artistic heritage of Istria, Rijeka and Dalmatia. The following titles have been published by the institution: Atti XXV, in cooperation with the National University of Trieste; Etnia VI, a sociological and cultural study of the Italian population, in cooperation with the National University of Trieste; Richierche Sociali 6 (sociological and cultural research) and the Centre's bulletin: La Ricerca.

208. Members of the Hungarian ethnic and national community have the Society of Hungarian Scientists and Artists in Croatia. During 1996 they were working on the project "Losses of the Hungarian minority in Croatia in the homeland war 1991-1995". They also promoted the book Losses of Hungarian Centuries-Old Literary and Artistic Ties. They also organized a number of scientific and professional lectures.

209. For members of the Serb ethnic and national community or minority in 1996 the Centre for Culture and History of Serbs organized symposia on poet Petar Preradovic, writer Vladimir Desnica and philosopher Gajo Petrovic. The Centre was also involved in the following projects: Gajo Petrovic's philosophy, Vladan Desnica's literary work, Serbs in Rijeka since the nineteenth century, history of the Serbian and Orthodox communities in Croatian cities from the fifteenth to the twentieth century, religious polemics between the Eastern and Western Church in the seventeenth and the eighteenth century, psychic disorders caused by the war with special regard to the citizens of Serbian nationality, contemporary tendencies accompanying the changes of national, religious and personal identity in the Republic of Croatia with special regard to the citizens of Serbian nationality, experiences of Zagreb students regarding national and religious affiliation with special regard to the students of Serbian nationality, language policy and the language of Serbs in Croatia, register and scientific analysis of artefacts of Serbian origin in Zagreb museums and galleries, constitutional legislation in complex States with regard to the relationship between the majority and minority populations, political parties of Serbs and Croatians on the Serbian and Croatian Issue 1986-1996, political options of Serbs in Croatia in the twentieth century, Serbian schools and prestigious Serbian educators in Croatia until 1941, political, constitutional and legal characteristics of the regulations of majority-minority relationships in unitarian and complex States and associations of States. The Serbian Democratic Forum has worked on the programme of research and enhancing communication between different social and ethnic groups. This resulted in four research projects as follows: war, national identity and relationships between the newly established States in the territory of the former Yugoslavia; intelligent, educated people and the Church - reconciliation prospects, old and new national minorities in Croatia, how to communicate in spite of stereotypes, prejudices and ethnic differences.

210. For members of the German and Austrian ethnic and national communities and minorities the German Ethnic Community has organized a scientific symposium on Germans and Austrians in the Croatian Cultural Circle, as well as the fostering of the German language and customs.

211. Members of the Montenegrin ethnic and national community or minority have published the proceedings of the symposium on the Half Century of the Crnojevica Publishing House (18 scientific papers, several illustrations, proof-readings, contributions, artistic contributions).

The right of access to any place or service intended for the use of the general public such as transport, hotels, restaurants, cafes, theatres and parks

212. In the territory under the sovereignty of the Republic of Croatia there is no segregation, emphasizing differences, exclusions or limitations on account of national or ethnic background. Therefore, all Croatian citizens and foreigners enjoy on an equal basis all the human legal and fundamental freedoms including the right of access to all places or services.

Article 6

213. The legislation of the Republic of Croatia ensures to everyone effective protection from all acts of racial discrimination which would constitute a violation of human rights and fundamental freedoms contrary to the Constitution of the Republic of Croatia. The Constitution of the Republic of Croatia and the Basic Penal Law of the Republic of Croatia and the Penal Law of the Republic of Croatia ban all acts and actions which are based on racial discrimination.

214. Pursuant to article 18, the Constitution of the Republic of Croatia guarantees the right to appeal particular legal acts to the court of first instance or to other authorized bodies. The right to appeal may exceptionally be denied in cases stipulated by the law if some other kind of legal protection has been ensured. According to article 58 of the Penal Law of the Republic of Croatia, an official who abuses his/her position or authority to prevent someone from exercising his right to appeal or to some other legal tool, objection, petition or complaint will be punished by imprisonment for three months to three years. According to article 19 of the Constitution of the Republic of Croatia, particular acts and bodies with public authority must be based on the law, and the judicial control thereof is guaranteed. The legality of the acts by which State agencies and bodies with public authority deal with the rights, obligations and legal interests of citizens and legal persons is determined in administrative procedure by the Administrative Court of the Republic of Croatia (article 1 of the Law on Administrative Procedures). Anyone who deems that his constitutional rights and freedoms have been violated by a decision of a judicial or administrative authority or by any other body with public authority can institute proceedings before the Constitutional Court, providing all the admissible legal means (administrative proceedings or audit in a civil or extrajudicial procedure) have been exhausted (article 28 of the Constitutional Law on the Constitutional Court of the Republic of Croatia).

215. In the period from 1991 to 31 October, 1996, the Constitutional Court received 2,395 complaints against violation of constitutionally guaranteed human rights and freedoms. Of these, the Court confirmed 1,295 complaints and rejected 467 of them as ill-founded; other constitutional actions have either been either rejected (603), referred to the competent body or the proceedings have been stopped.

Article 7

216 The Republic of Croatia undertakes effective measures, particularly in the area of education and vocational training, culture and public information, aimed at fighting prejudices which may cause racial discrimination, as well as promoting understanding, tolerance and friendship among peoples and racial and ethnic groups. In order to reach this goal, the Republic of Croatia had undertaken the measures described below.

In the area of education and vocational training

217 Since the inception of the independent Republic of Croatia, its school system has undergone a change of curricula and syllabuses in keeping with the

new social reality and new goals of economic, social and political development. The change in the educational system represented a severance from the former totalitarian ideology, and new opportunities for the education of the younger generations who are learning the skills and responsibilities of a life in freedom and democracy. New curricula and syllabuses have taken into account all the international recommendations in the field of education, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights and the Convention on the Rights of the Child. Within the syllabus of history, science, geography, politics, economics and religious education, students learn about the contents of these documents and a special lesson is devoted to the United Nations.

218. The following examples have been chosen to illustrate that the Croatian curricula follow the spirit of the aforementioned documents.

219. In the Direction Programme of Pre-School Education (Gazette of the Ministry of Education and Sports, No 7/8, 1991) it says: "The education of pre-school children is based on the humanistic developmental concept", which starts from the point that "children have their special rights put forward by the Declaration on the Rights of the Child of 1959, i.e. the right to live in healthy surroundings, that society provides them with the best possible conditions for growth, development and learning, without any exception or discrimination, in order to enable them [to achieve] a harmonious physical, moral and social development in conditions of freedom, dignity, acceptance, love and understanding."

220. The history syllabuses in both primary and secondary schools follow the spirit of the aforementioned documents whose scope and goal are to help students acquire ethical norms and world views through a truthful representation of historical events and by means of their personal cooperation, i.e. studying, and to build an open spirit for understanding different cultures and ways of life, as well as communication among peers and all other people. The teaching of history must be unbiased, which implies telling the truth, and nothing but the truth, be it pleasant or unpleasant. A student educated in this way will be prepared to acknowledge and understand historical events and problems in their complexity and many-sidedness. In addition to truthfulness and objectivity, the aforementioned ethical and educational values will be easier and better achieved if the teaching of history is unburdened with overabundant facts, and based on the culture and scope of history. That is why a student should be encouraged to work on his own and strive to come to grips with the problems of the course of history. This will develop his analytical capabilities and his own perception, i.e. a critical view of history and historical events, which are still going on.

221. In addition to equipping a student with the skills of critical observation and evaluation of historical events and characters, of asking the right questions and looking for the right answers, which includes casting off the unimportant, and focusing on the essence of the matter, and of generalization as a way to shaping one's own well-grounded personal assessment, which one is capable of corroborating and defending, a student will also be assisted in recognizing his own as well as human capabilities. In this way a student will be more and more ready to recognize in overall

human history and, along the same lines, in national history as an integral part of that, the arduous advancement of humankind on the road to a better and more dignified life, through the clashes between unilaterally perceived goals and outbreaks of individual and collective rage (in the form of wars, for example, but other evils as well). By acquiring valid notions a student will be convinced that the history of humankind, as well as a human being on its own, is a mystery in itself, but that this mystery, within the scope of historical realities, uncovers the meaning of human existence in its growth towards a higher level of humanity.

222. One would hope that the student himself, having acquired such notions, will want to be part of a genuinely human and dignified historical journey into the future. Moreover, the student will convey his acquired notions into his everyday life, his peers, their past and their future, and their private and public actions, starting from social and political actions onwards. Thus will the teaching of history contribute to the creation of a righteous citizen, primarily of his own country and then of the world. This is the principal meaning and goal of the teaching of history. (Syllabus guidelines for primary schools in the Republic of Croatia, Gazette of the Ministry of Education and Sports, No. 1/1995, pp. 10-17).

223. The syllabus of geography for primary schools also conveys the spirit and contents of the aforementioned documents. Its goal is to use the teaching of geography to implant the idea of the necessity of human co-operation and global solidarity. Moreover, the task of geography teaching is to enable students to observe and understand changes in geographical reality, to develop their capabilities of critical analysis of concrete situations as a basis for thinking and encouragement with a view to strengthening their need to become part of a positive social practice in the life of a community, and to familiarize students with the intensive process of the degradation of the human environment and the need to protect the environment from further degradation, i.e. the upgrading of the quality of the endangered elements and habitats. That is why one of the thematic units in the sixth grade is "Unity of the human race in a variety of human races, languages, cultures and religious differences". (Syllabus guidelines for primary schools in the Republic of Croatia, school year 1993/94, the Ministry of Education and Sports, No. 1/1995, pp. 10-17).

224. The scope and goal of foreign languages in primary and secondary schools also follow the spirit of the aforementioned documents and has been defined as follows:

> "Spreading of notions of the culture and civilization of a number of countries, which will contribute towards the elimination of ethnocentric viewpoints typical of closed societies;
>
> "The building of a student's personality by teaching him to listen and understand others, accept or reject other peoples reasoning, to corroborate and present his own positions and judgements, i.e. by encouraging dialogue leading to understanding.

"This is all in keeping with the current efforts to preserve the wealth of variety of multilingual Europe and cultural similarities and differences while at the same time creating a feeling of belonging to the corpus of European citizens."

225. Implementation of international conventions, declarations and recommendations through extracurricular activities in primary and secondary schools comprises:

(a) "Srcem do mira" (Heart for Peace), an international peace initiative which was started in Samobor and is being implemented in primary and secondary schools in Croatia and abroad. The idea is that each school should build at least one peace tree and thus symbolically, with the example of a tree as a symbol of life, encourage the younger generations to build a civilization of peace;

(b) "Planet Earth Day" is an action carried out in Croatian schools. This event unifies humanitarian, peace and ecological efforts aimed at a peaceful and happy future for all the inhabitants of the planet Earth;

(c) "Bread Day", centred around the theme of bread, the preparation and baking of bread, which is a staple food of all human beings, irrespective of their class or religious and racial affiliation, unites all and conciliates differences among them.

226. Some 10 projects are being carried out in pre-school and primary education institutions under the umbrella of UNICEF. These projects are aimed at making both students and teachers capable of participation in the education for peace, seeking peaceful solutions to conflicts, for tolerance and human rights. The projects have resulted in a workbook on education for peacekeeping for teachers. The title of the book is Peacekeeping Class (authored by Mira Cudina Obradovic and Dubravka Tezak, Znamen, Zagreb, 1995).

227. The Government of the Republic of Croatia, in cooperation with the Ministry of Education and Sports, founded the National Committee on Human Rights Education. The goal of the National Committee is to help pre-school children, primary and secondary school students, graduate students and adults achieve a necessary degree of individual and social awareness of the ethical principles of equality and freedom of all people which underlie all the other aspects of human rights. The National Committee creates the National Syllabus of Education on Human Rights, taking into account all the fundamental documents and laws on human rights passed by the Republic of Croatia, the United Nations, UNESCO, the Council of Europe and OSCE. The following is a list of the most important documents:

1. The Constitution of the Republic of Croatia.

2. The Constitutional Law on Human Rights and Freedoms and on the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia.

3. Universal Declaration of Human Rights of 1948.

4. Convention on the Rights of the Child of 1989.

5. International Convention on the Elimination of All Forms of Racial Discrimination of 1965.

6. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992.

7. Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights of 1993.

8. European Convention for the Protection of Human Rights and Fundamental Freedoms, with Protocols, of 1950.

9. International Covenant on Civil and Political Rights of 1966.

10. Plan of Action for the United Nations Decade for Human Rights Education (1995-2004) of 1996.

The framework national programme will be implemented as a cross-curricular theme through all the educational curricula which lend themselves to its implementation. The programme should be completed in the first months of 1998, upon which teachers and school principals will be trained to successfully implement the programme.

228. Sending adequate documents and literature to schools. It should be stressed at this point that the book Children Before Everything has been translated into Croatian in cooperation with UNICEF. The book contains the Convention on the Rights of Children and the Declaration and Plan of Action adopted at the World Summit for Children. Another book which has been translated and sent to schools is ABC of Teaching Human Rights. Practical Exercises for Primary and Secondary Schools, (United Nations, New York, 1989). The previously mentioned book Peacekeeping Class, an original view of the existing school situation, and everyday teacher-student interactions and experiences which offers a different perspective and interesting models and strategies for education for peace and human rights, has been made available to all interested teachers.

In the area of culture

229. In the Republic of Croatia members of ethnic and national communities or minorities and foreign citizens exercise all the rights in the area of culture guaranteed by the Constitution of the Republic of Croatia, which is corroborated by their individual participation in activities of a number of institutions, as well as by their membership in numerous cultural, artistic and educational associations.

230. The Republic of Croatia is open to all forms of cooperation between different cultures. This can be illustrated by numerous examples, such as the fact that the majority of male members of the Croatian National Theatre Ballet Troup are foreigners, some of whom have dual citizenship (Ukraine, Uzbekistan, Republic of Moldavia, Kazakhstan, Romania, Bulgaria, the United Kingdom, Germany, Estonia, Albania, Slovenia), and that many musicians affiliated with

the Zagreb Philharmonic Orchestra and the Croatian Radio and Television Symphonic Orchestra are also foreigners (Slovenia, Bulgaria, the Russian Federation, United States of America, Italy, Ukraine). Moreover, in the Republic of Croatia there are a number of cultural clubs and associations formed by the members of ethnic and national communities or minorities, which are listed in this report under article 5. There are also institutions such as Matica Hrvatska, Hrvatski Sabor Kulture and Matica Iseljenika, as well as professional associations whose membership is open to foreign citizens, depending on the specific activities of the respective organizations.

231. As for events in the field of culture, it should be pointed out that nearly all cultural institutions which organize musical and theatrical events in the Republic of Croatia maintain various forms of cooperation with foreigners (guest performances or guest engagements), and the cooperation is always established on the principle of promotion of understanding and tolerance between different cultures.

232. Within the framework of the Council of Europe's campaign against racism, xenophobia, anti-Semitism and intolerance, on 10 March 1995 a National Board was established to initiate and organize activities at the national level, to coordinate local and regional actions and to mediate between national and international organizations which are encompassed by the campaign. Members of the National Board are representatives of the Ministries of Culture, Education, Health, Foreign Affairs, the Interior and Science, the Government Office for Refugees and Displaced Persons, the Office of the President of the Republic for Information, the Andrija Stampar School of Public Health in Zagreb, youth radio station, OTV (independent television station) and the National Youth Alliance of Croatia. The European campaign is aimed at putting forward examples of a positive life system in a multicultural society and encouraging the young to take an active participation in the fight against racism, intolerance and other similar phenomena in Europe and at the national level.

233. At the session of the European Committee on the Campaign against racism and Anti-Semitism, which was held on 2 and 3 October 1993, the Republic of Croatia was admitted as a full member of the Campaign.

In the Area of information

234 In the Republic of Croatia the media have a significant role in the realization of the right to freedom of thought and expression pursuant to article 38 of the Constitution of the Republic of Croatia, both in the publishing activities and in the activities of Croatian Radio and Television (HRT). In its programmes, HRT is obliged to respect human dignity and fundamental human rights and contribute to respect for other peoples' views and beliefs; to contribute towards the free creation of ideas, to inform, educate and entertain listeners and viewers comprehensively and objectively, to promote international understanding and justice, defend democratic freedoms, serve environmental protection, fight for equality between men and women and publish the truth; and to promote understanding for the members of ethnic and national communities or minorities. Moreover, HRT is obliged to comply with the provisions of the Law on Public Information with regard to the rights of journalists to express their views, to refuse to perform a task, to

protect their rights of authorship and their sources of information and their obligation to publish correct, integral and timely information, and the right to redress. All the aforementioned provisions are binding on the director and editors-in-chief of HRT. The HRT management and HRT Council are responsible to the Parliament of the Republic of Croatia for their business operations and for the implementation of the programme directives of HRT. In keeping with this they submit a report on their work to the Parliament of the Republic of Croatia at least once a year.

235. In its business activities HRT is obliged to respect and implement the provisions of the Law on Employment (article 2), which stipulates that an employee must not be discriminated against on account of his skin colour, sex, marital status, family commitments, age, language, religious affiliation, political or other beliefs, national or social background, financial standing, birth, social standing, membership or non-membership in a political party, membership or non-membership in a trade union and physical or mental handicaps.